

Tuesday October 13, 2015

The Deuel County Zoning Board met on Tuesday October 13, 2015 at 6:30 P.M., in the Commissioners' room of the Courthouse 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 September 8, 2015 meeting were discussed. Motion by Jaeger, seconded by Dahl to approve the September 8, 2015 minutes. All voted in favor and motion carried. The minutes from the October 11, 2015 meeting were discussed. Motion by Dahl, seconded by Jaeger to approve the October 11, 2015 minutes. All voted in favor and motion carried.

Motion by Brandt, seconded by Jaeger to approve the amended October 13, 2015 Agenda. All voted in favor and motion carried.

Luke Muller from First District Association of Local Governments came and talked to zoning board about farm dwellings and multifamily dwellings in an AG zoned district. The question has been brought to the zoning board about CAFOS and having living facilities on site for their workers. The board was wondering how other counties were handling these questions. The board is considering amending the ordinance at a later date.

1. Lori & Jon Puetz representing the George Cook Trust applied for a Variance. The request, if granted, would permit the applicant to use the following property: Plat of Block 2A Cook's Corner Subdivision being a replat of Blocks 2 & 3 of Cook's Corner Subdivision in the NW1/4NW1/4 in Section 26-115-49, Clear Lake Township to allow the existing shed closer than one hundred (100) feet from the back lot. If the lot abuts an interstate or major highway in a Commercial District. Jon stated that they replatted the area for distribution of the trust and they noticed that the shed was in the designated roadway. When the shed was built George applied for a variance to have it closer than 150 feet from the road right-of-way. During that time George was ill and the shed was built further back which located the shed in the roadway. Brian Ernst the land surveyor that prepared the the new plat stated that the shed would be 50 feet from the back lot which is closer than the required 100 foot setback. Jaeger stated that this property is in a transition area being so close to the city limits. Motion by Brandt, seconded by Dahl to grant a Variance to allow the existing shed 50 feet from the back lot. The findings for this variance are that the shed will not create any problems and is compatible with the general character of the area which is a transition area with the city. The location of the shed would meet the city set back. Moving the property line further west improves compliance with the ordinance. All voted in favor and motion carried.
2. Ron Schlenner, as representative for Arthur & Marlene Lee applied for a Special Exception & Variance. If granted it would permit the applicant to use the following property: Lot 23 & W10' Lot 24 Bostic Beach in Gov Lot 3 in NW1/4 Lake Cochrane of section 4-114-47 Norden

Township, to remove the old house and construct a new house and basement closer than 50 feet from the high water mark and to remove 2 trees within 35 feet from the high water mark in the Lake Park District. Schlenner stated that the Lee's would like to build a house with a walkout basement 30 feet from the high water mark because the neighbors' houses were closer than 30 feet. They don't want to lose their view. Schlenner stated that the house to the right was 28 feet from the high water mark. Jodi Theisen stated when she was at the site to take pictures she measured the deck to be about 43 feet and the house to be about 54 feet from the high water mark not the 28 feet. The board discussed the house and why they couldn't build fifty feet back. Schlenner stated that they would have to remove some trees from the back lot. The board discussed the distance of the neighbors's houses and how the new house would block their view. Schlenner stated that it was 28 feet and that he would measure the distance from the neighbor's house and get back to the zoning office. Schlenner also stated that they would like to remove 2 trees within the 35 feet from the high water mark because they are causing problems for the property owner. For instance they had a branch on their boat dock. The board discussed the trees and if he was going to remove the roots or leave a stump but no decision was made. Motion Dahl, seconded by Jaeger to table the Variance to construct a new house and basement 30 feet from the high water mark and to remove 2 trees within 35 feet from the high water mark in the Lake Park District on Lot 23 & W10' Lot 24 Bostic Beach in Gov Lot 3 in NW1/4 Lake Cochrane of section 4-114-47 Norden Township until the footage from the high water mark is determined. All voted in favor and motion carried.

3. Lynette Taylor applied for a Special Exception which, if granted, would permit the applicant to use the following property: Lot 26-26A & S75' Lot 26B Agnes Place in Gov Lot 8 in Lake Cochrane of section 5-114-47 Norden Township to alter the shoreline within 35 feet of the high water mark and to build an accessory structure located on a lot adjacent to a lot with principle structure which is separated by a public or private road in the Lake Park District. Matt Maynard, the contractor and Lynette's brother stated that they would like to dig down maybe inside the basement or do a waddle (dike in front in the water) to pour 42 inch frost footings for the house. Above the footings they would put a new foundation wall with concrete blocks and fill them with concrete and rebar to help stabilize the house. They would remove the old rip rap and replace with new rip rap of natural stone. They would like to do some of this work during the winter months because of the water. Motion by Brandt, seconded by Jaeger to grant a Special Exception to repair the rip rap on the shoreline and foundation of the existing house within 35 feet of the high water mark. With the following conditions to follow the plan for the repair that was submitted to the board. To use a silt fence to help stop erosion; and if necessary to get a permit with the the US Fish and Wildlife Serves for the work done within the high water mark. All voted in favor and motion carried.

Motion by Jaeger, seconded by Dahl to grant a Special Exception to build a garage with living area above located on a lot adjacent to a lot with principle structure which is separated by a public or private road in the Lake Park District on S75' Lot 26B Agnes Place in Gov Lot 8 in Lake Cochrane of section 5-114-47 Norden Township. This garage and living area is not for commercial use, and can only be used for friends and family. All voted in favor and motion carried.

4. Darold Hunt applied for Variance which would permit the applicant to use the following property: Block 2 hunt Addition in the NE1/4 in Section 12-115-48, Herrick Township, to plant

a shelterbelt within 100 feet from the road right of way in an AG District. Hunt was unable to attend the meeting. He told Theisen and Knight that they would like the trees there to help protect their house from the snow. Hunt would like to plant two trees starting 80 feet from the road right-of-way and one tree within 60 feet from the road right-of-way in front of the existing trees that are 100 feet from the road-right-of way. He also would like to plant a row of trees that would be located to the east of the existing trees starting 80 feet from the road right-of-way. Motion by Brandt, seconded by Dahl to grant a Variance to allow one row of trees located to the east of existing trees to be planted 75 feet from the road right-of-way and to allow 2 trees to be planted in front of the two existing rows of trees that located 100 feet from the road right-of-way. All voted in favor and motion carried.

5. Lee Squires applied for Variance which if granted, would permit the applicant to use the following property: all that part of the NE1/4 lying north of H-1 in Section 25-115-49, Clear Lake Township, to allow the existing shelterbelts that were planted within 100 feet and 150 feet from the road right of way in an AG District. Squires stated that he planted these trees about 5 years ago. They consist of cottonwood and pine trees. The trees that are located to the north of his house that lie south of HWY 22 are approximately 93 feet to 59 feet from the road right-of-way. The trees that are located south of his house and north of the county road that goes around the lake are approximately 53 to 61 feet from the road right-of-way. Motion by Jaeger, seconded by Brandt to grant a Variance to allow the existing shelterbelts to be within 100 feet and 150 feet from the road right of way in an AG District. The findings for this variance are the road right-of-way to the north is 75 feet and the road to the south blows shut and is closed in the winter. All voted in favor and motion carried
6. Motion by Jaeger, seconded by Brandt to approve the Plat of Block 4 Ridge View Estates Addition in the NW1/4 in Section 26-115-49, Clear Lake Township. All voted in favor and motion carried.
7. Leigh Mellendorf came and talked to the board about building a shed closer than 150 feet from the road right-of-way located on Lot 1 Mellendorf First Addition in the SW1/4SE1/4 15-115-49 Clear Lake Township. The board advised him to apply for a variance the November 9, 2015 meeting.
8. Mike Kelley came and talked to the board about doing a welding and repair business on his property located in the E1/2SE1/4NE1/4 less HWY in section 15-116-49 in Altamont Township. The board suggested applying for special exception for an extended home occupation in an Ag Zoned district.

Kanengieter called the meeting.

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Jodi Theisen  
Zoning Office

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Dennis Kanengieter  
Chairman, Zoning Board