

The Deuel County Zoning Board met on Monday July 11, 2016 at 6:30 P.M., in the Commissioner's 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 June 13, 2016 & June 22, 2016 meetings were discussed. Motion by Durfee, seconded by Jaeger to approve the June 13, 2016 minutes. All voted in favor and motion carried. Motion by Durfee, seconded by Brandt to approve the June 22, 2016 minutes. All voted in favor and motion carried.

Motion by Dahl, seconded by Durfee to approve the amended July 11, 2016 Agenda. All voted in favor and motion carried.

1. Chairman Dennis Kanengieter informed the zoning board and the attendees of the zoning meeting that Jodi Theisen, Zoning Officer, was advised to send a letter to some Lake Cochrane property owners about having campers on their lots without permits authorized by Deuel County Zoning Board. The zoning board received formal complaints. John Knight, Deuel County States Attorney, stated that Deuel County Zoning ordinance doesn't allow camping in the Lake Park District. The people that were present from Lake Cochrane were Margaret Jaeger, Richard & Kathleen Ellenbecker, Cindy Walsh, Constance Moen, Larry Jensen, and Stuart Rhea. These people received a letter from the zoning office about campers being located on their lots. John Lentz, Lyle & Carol Tobin, and Sunday Funday also received a letter from the zoning office about campers being located on their lots but were not present at the meeting. Lentz called the office and stated that the camper will be removed. Carol Tobin called the office and stated that her son used the camper for writing and etc. The camper is not hooked up to water or sewer. It might be hooked up to electricity. The concerns from the Lake Cochrane property owners were that the permitted use in our ordinance is for a site-built, single family residence. They are concerned about creating mobile home parks. The board 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 circumstances of the property owner and some regulations for instance a private campground can be placed on that application if approved. The board stated that they approved a private park/campground up to two years however the campers need to be removed during the off season.

Majority of the property owners that were asked to come and talk stated that the campers are for over flow for their family members because of the house being too small to hold all the family members. Moen stated that they only have a camper because they can't afford

to build a house on the lot. They use the camper during the week and on the weekends they might stay a night or two but they mostly travel back to Marshall, MN and then come back the next day. Jensen which is Moen's father stated that they have had the camper on the lot since 1990. Rhea stated that the 2 lots have 2 campers on them and he is renting them out until they are sold. Rhea and the other property owners stated that they didn't know they could not have campers. The board stated that it has been in the ordinance for some years and people have applied for the special exception.

2. Jael Thorpe, her husband and another couple came and talked to the board about maybe purchasing Lot 3 & E1/2 Lot 4 & Lot 3A & Lot 4A Severson Bay and W1/2 Lot 4 & E30' Lot 5 & Lot 4B & Lot 5A Severson Bay in Gov Lot 5 Section 5-114-47 Lake Cochrane and splitting it into 2 lots. The board stated that the ordinance states that if two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendments of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Ordinance. The board suggested that they could apply for a special exception for a multiple family dwelling or apply for a variance to have two single family residences on the lots. Thorpe stated that they would like to keep the A Frame home and build a year round smaller home instead of a twin home or tearing down the A Frame home and build a large home for both families. Thorpe stated that they will take this idea and suggestion home and talk amongst each other.
3. Robert & Bonnie Merritt applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 8 Agnes Place in Gov Lot 8 Lake Cochrane of Section 5-114-47 Norden Township in the following manner to alter the shoreline within 35 feet from the high water mark in the Lake Park District by removing some shrubbery and adding some vegetation to stabilize the shoreline. Merritt's stated that they trimmed the Buckthorn that was on the hill side. They stated that they didn't remove any roots and they left the stumps. Merritt's stated that the hill side was overgrown and wanted to remove the brush because it was noxious weed and they didn't want their grandchild near it. Merritt's stated that they talked to some landscapers and they came up with a plan to place Grow Low Sumac along the hill side and to put Round Up on the Buckthorn to kill it. They don't want to kill all of the hill side because there is grass growing and wild flowers growing. The board stated that the brush helps stabilize the hill side from erosion and helps with the screening of the lot. Motion by Jaeger, seconded by Dahl, to approve the Special Exception to plant approximately 16 Grow Low Sumac plants in pots in the ground within 35 feet from the high water mark, to apply a

chemical on the Buckthorn root to kill it, and to use a silt fence during alteration. All voted in favor and motion carried.

4. Scott Mitchell applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Mitchell Addition in the E1/2NE1/4 Section 29-113-49, Blom Township, in the following manner to move in shed that will be closer than 50 feet from the back lot in the AG District. Mitchell stated that the drainage of his lot is in front of his house and he has trees planted to the north of the existing house. They would like to move in a new 12' x 10' storage shed 5 feet from the back lot line. His father and mother own the the surrounding land and wrote a permission letter to the board stating that they are ok with the location of the shed. Motion by Dahl, seconded by Brandt to approve the variance to move in a new storage shed that is 12' x 10' 5 feet from the back lot line in the AG District. All voted in favor and motion carried. Findings for this variance are that they have a permission letter from the adjoining property owner. There is not going to be any more residential development behind the property and there are drainage issues on the rest of the lot.
5. Jimmy Striech applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: E61 Rods S13 Rods SW1/4 Less E18.5 Rods in Section 19-113-49 Blom Township, in the following manner to have living quarters in existing building, to build a garage, and to restore and sell vehicles in a CI zoned district. He stated that they would like to convert the west part of the old bar into living quarters and the rest of the bar into a show room for the cars that they have restored. There is a concrete pad between the bar and the storage shed and they would like to build a garage/shop area on the existing concrete. In the shop area they would restore and fix vehicles and then sell them. They would use the existing storage shed to the west for a shop and storage. Motion by Durfee, seconded by Jaeger, to approve the special exception to have living quarters in existing building, to build a garage, and to restore and sell vehicles in a CI zoned district. All voted in favor and motion carried.
6. Sherman Dairy, Mike Crinion applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: SW1/4SW1/4 less pt of Lot H1 & Less Shannon Addition Section 21-113-50 Grange Township, in the following manner to build a heifer barn closer to the side and rear property setbacks in an AG zoned district. Crinion stated that he applied for the State Permit for the Heifer Barn in the SW1/4 Section 21-113-49 for 375 diary heifers on June 1, 2016. On July 1, 2016, DENR will make a ruling so he would like to start building before then because the builders are available now and they will be busy until the fall. Crinion stated that he would like to build the barn within the 50 feet from the back lot line and within 25 feet from the side property line. He stated that Global Dairy purchased the land to the north and owns the land to the east. In the future Global Dairy will own Sherman Dairy. Motion by Brandt, seconded by Dahl, to approve the variance to allow the heifer barn to be built within the 50 feet from the back lot line and

within 25 feet from the side property line in an AG zoned district. All voted in favor and motion carried.

7. Brian Hansen applied for a Variance Permit. 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 build a deck and steps within the 50 feet from the high water mark and within 10 feet from the side property line in an LP zoned district. Hansen stated that he would like to build a deck in front of his house within the 50 feet from the high water mark and to have it wrap around the north side for access. The side deck would be 5 feet from the property line and the front deck would be 37 feet from the high water mark. The side deck would be about 2 feet high and the property line to the north is a row of trees so the deck would not interfere with any view of the lake. Hanson also stated that he would like to build steps going toward the lake. His lot doesn't have any access to the lake and he uses the neighbors right now. The board asked if he would have to remove any trees to build his steps. Hanson stated that there was a big enough opening that no trees would have to be removed. Motion by Brandt, seconded by Durfee grant a Variance to build steps going to the lake, a 13' x 15' deck in front of his house that 37 feet from the high water mark and side deck 10' x 16' 5 feet from the side property line and to use a silt fence during the construction. Kanengieter called a roll call vote Dahl-no, Brandt-yes, Durfee-yes, Jaeger-yes, Kanengieter-yes Motion carried. The findings for this variance are the trees are along the property line so no view is disturbed and the 5 foot setback from the property line is allowed on smaller platted lots.
8. Steven Hauswedell applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 18, Grabow Addition, Lake Cochrane, of Section 5-114-47 Norden Township in the following manner to operate a private campground and to build a storage shed in a Lake Park District. Haswedell stated that he didn't know that you need to apply to have a camper on the lot and to move in a storage shed. He stated that they would like to place one camper on the lot until they can build and would like a storage shed to store items. Haswedell stated on Memorial weekend there were 5 campers on the lot and he didn't know the ordinance. The shed that was moved in was a 12' x 20'. Haswedell stated that he had a light pole installed on the lot also. Motion by Brandt, seconded by Durfee, to grant the Special Exception to permit a private campground on Lot 18, Grabow Addition, Section 5-114-47, Norden 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 one year which is the spring of 2017; and to move in a 12' x 20' shed for storage. Kanengieter called a roll call vote Dahl-yes, Brandt-yes, Durfee-yes, Jaeger-no, Kanengieter-yes Motion carried.
9. David Haas applied for an extension for his Special Exception Permit that was granted May 19, 2015. The request, if granted, would permit the applicant to use the following property: Lots 7 & 8 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township to

operate a private campground in a Lake Park District. Haas stated that he is going through a divorce and is not able to build yet. He would like to have a camper and a fish house for extra guest on his lots at this time. Haas stated that he feels that the property owners are being forced into building before they would like or able to build. Haas asked whether the board and the other property owners would like them to build a nice house on these lots or a dumpy 1000 foot shack or shed on these lots. If the board would allow these private parks for a couple of years then the property owners could build a nice home on these lots. Haas stated that he did pour 24' x 40' concrete pad that is about 60 to 70 feet from the high water mark.

Jon Henslin stated that he attended the first two meetings and the board showed sympathy toward the property owners that have campers on their lots. Henslin stated that he had to sign the covenants when he purchased his lots. He thought everyone knew they had to follow the zoning ordinance and the covenants. Henslin feels that they should be held accountable for their actions for not following the ordinance and covenants. Henslin stated that he is concerned about the affects on the property value. The campers are not in harmony with the other property. Haas was wondering if they could rent out there house in Lake Park. The board stated that in our ordinance there is nothing stating that you can't. Haas stated that might be an option for some of the property owners to be able to build to help make the payments. Haas stated that he would like one camper and a one fish house for the kids to stay in. Henslin stated that in the protective convent it states one camper per lot. Motion by Paul, seconded by Durfee to grant the Special Exception to permit a private campground on Lot 7 & 8 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township. To place one camper and one fish house on the the two lots the can be placed on the lots 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 which is the spring of 2017. Kanengieter called a roll call vote Dahl-no, Brandt-yes, Durfee-yes, Jaeger-no, Kanengieter-yes. Motion not carried. Motion by Dahl, seconded by no one to grant the Special Exception to permit a private campground on Lot 7 & 8 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township. To place one camper and one fish house on the the two lots the can be placed on the lots on a weekend bases and come and go. The Special Exception permit is nontransferable and the applicant has to reapply in one year which is the spring of 2017. Motion by Brandt, seconded by Durfee to reconsider the 1st motion to grant the Special Exception to permit a private campground on Lots 7 & 8 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township. To place one camper and one fish house on the the two lots. They can be placed on the lots on May 15 and 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 they could have guest campers. The Special Exception permit is nontransferable and the applicant has to reapply in one year before May 15, 2017. All voted in favor and motion carried.

10. Danya Johnson applied for Special Exception Permit. 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 stated that they have a septic 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 Paul, seconded by Durfee 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 on May 15 and 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. All voted in favor and motion carried.
11. Joshua & Amanda Sanow received a letter from the Zoning Board to come and talk to the board about being in violation of ordinance at Lake Alice by having a camper on their lot without a Special Exception. Sanow stated that they have a septic that is set up for a house and they have planted some trees. They stated that they are trying to improve their lot and they just can't afford to build a house yet. They board stated that if they apply at the August 8, 2016 meeting that the board may grant a special exception to place one camper on the lot on May 15 and 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 guest campers. The Special Exception permit is nontransferable and the applicant has to reapply in one year before May 15, 2017.
12. Diane Buesing applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Lot 2 Bostic Beach in Gov Lot 5 of Section 4-114-47 Lake Cochrane Norden Township, in the following manner to build a deck and to move in a new modular home within the 50 feet from the high water mark in an LP zoned district. Buesing stated that she would like to keep the modular home fifty feet from the high water mark and to build a 12' x 30' deck 30 feet from the high water mark. The reasoning for the deck to be closer to the high water mark is that the deck is in line with the neighboring houses. The new deck will not have any railing so the deck will not obstruct the view of the neighbors. Buesing will also remove the old garage and build a new 26' x 30' garage that will be connected to the modular home which will be located 40 feet from the edge of the road. The reason they can't go any further back than 50 feet is because the new septic will be located between the garage and the road. The modular will be located five feet from the west property line with no steps infringing within the 5 feet. Motion by Jaeger, seconded by Durfee, to approve the variance to build a 30' x 52' modular and 30' x 26' Garage with a 12' x 30' deck 38 feet from the high water mark, 5 feet from the west side property line, and the garage will be 40 feet from the the edge of the road and in the LP District. All voted in favor and motion carried. Findings for this variance are that the deck will not have a railing and will not obstruct the view of the

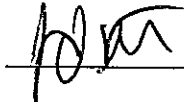
neighbors and the steps will not encroach within the five feet from the side property line. The septic will be located between the garage and the road which makes it difficult for the deck to be placed further back than the 38 feet from the high water mark.

13. Leroy Hamann & Raymond Hamann came and talked to the board and talk about their special exception of their private campground that has expired in 2016. They both had a Special Exception to permit a private campground on Lot 6 & Lot 7 Grabow Addition Section 5-114-47 Norden Township. The Hamann's stated that they would like to develop but the sanitary system is not hooked up for their lots and they were under the impression that the developer was responsible to lay the pipe and to hook up the Lake Cochrane Sanitary System. Jim Ekholm stated concerns about the sewer and stated that other options might need to be looked at. Ekholm asked if the county could get involved. The Zoning Board stated if the Lake Association or the Sanitary Association should get involved.


14. Motion by Brandt, seconded by Jaeger to approve Plat of Goodwin Heritage Cattle Addition in SE1/4 Section 2-116-50 Goodwin Township. All voted in favor and motion carried.

15. Jerry Durfee resigned from the Deuel County Zoning Board.

16. Kanengieter called the meeting.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board