

Monday November 9, 2015

The Deuel County Zoning Board met on Monday November 9, 2015 at 6:30 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 Steve Rhody. Also present was Zoning Officer Jodi Theisen.

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

Motion by Jaeger, seconded by Brandt to approve the amended November 9, 2015 Agenda. All voted in favor and motion carried.

1. Scot Pulse and Michael Svedeman for Invenergy Wind Development LLC applied for a Special Exception Permit that would permit the applicant to use the following property N1/2 Less Block 23 Knox Sub & less School & less Hwy section 10-114-49 Brandt Township. To erect a meteorological tower on Dougl's Feten's property in an AG zoned district. Svedeman stated that the tower will be 194 feet. The tower will be more than 1000 feet from the road right of way. Svedeman also stated that the agreement with Feten is for 5 years with an option for 2 more years if desired. Motion by Jaeger, seconded by Durfee to approve to erect a meteorological tower on Feten's property on the N1/2 Less Block 23 Knox Sub & less School & less Hwy section 10-114-49 Brandt Township. All voted in favor and motion carried.
2. Ron Schlenner, as representative for Arthur & Marlene Lee applied for a Special Exception. 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 2 trees within 35 feet from the high water mark in the Lake Park District. Schlenner stated that the Lee's decided to build their new house with a walkout basement 51 feet from the high water mark. Schlenner 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 and damaged their pontoon roof. The board discussed the trees and if he was going to remove the roots or leave a stump. Schlenner stated that they would cut the trees below the rocks and leave the stump and cover the stumps up with the rock. The property owners would replace the trees with one tree planted about 10 feet from the high water mark. Schlenner stated that they would use netting with straw to help with the erosion from the removal of the old house and basement. Motion Durfee, seconded by Brandt to approve the Special Exception to remove 2 trees within 35 feet from the high water mark and to replace with one tree about 10 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. All voted in favor and motion carried.

3. Leigh Mellendorf applied for a Variance which would permit the applicant to use the following property Lot 1 Mellendorf First Addition in the SW1/4SE1/4 15-115-49 Clear Lake Township, to build a shed closer than 150 feet from the road right-of-way in an AG District. Mellendorf stated that he would like to build a 50' x 80' shed 110 feet from the road right-of-way. Mellendorf stated that he stayed about 3 feet above the road and leveled out the land. There is a drop off in the back of the lot so he couldn't move the shed any further back. Motion Brandt, seconded by Rhody to approve the Variance to build a shed closer than 150 feet from the road right-of-way in an AG District on Lot 1 Mellendorf First Addition in the SW1/4SE1/4 15-115-49 Clear Lake Township. All voted in favor and motion carried. Findings for this variance is that there is a steep drop off on the backside it is in an area of transition into the Town of Clear Lake and there will be no snow problem.
4. 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 in the following manner: 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. Hentges stated that his house has many old additions that are connected 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 more 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. In the ordinance it states that you can do upkeep and repairs but that is all you can do. Motion by Brandt, seconded by Durfee to table the Variance permit 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 in the following manner: 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, until further discussion can be made at the next Zoning Board meeting which is December 14, 2015. All voted in favor and motion carried.
5. Barbara Cochrane applied for Variance permit. The request, if granted, would permit the applicant to use the following property: Part of Gov Lots 8-9 less platted area of the SE1/4SE1/4 & Gov Lot 7 less platted area & less S-1 section 4-114-47 Norden Township in the following manner: Remove old house and basement but leave the 20' x 24' addition that is closer than 50 feet from the high water mark and construct a new house addition behind the 20' x 24' addition in the Lake Park District. Motion by Jaeger, seconded by Durfee to approve the motion. The board determined that Cochrane would not need a variance to build her addition to her existing house but would just need a building permit because she is outside the setbacks. All voted in favor and motion carried.
6. Mike Kelley applied for a Special Exception permit. The request, if granted, would permit the

applicant to use the following property: E1/2SE1/4NE1/4 Less Hwy section 15-116-49 Altamont Township in the following manner: Operate an extended home occupation that would consist of a welding and repair shop in existing pole shed in the AG District. Motion by Brandt, seconded by Rhody to approve the Special Exception to operate an extended home occupation that would consist of a welding and repair shop in existing pole shed in the AG District on the E1/2SE1/4NE1/4 Less Hwy section 15-116-49 Altamont Township. All voted in favor and motion carried.

7. Thane Wells, representative for the Wells Trust applied for a Variance request, if granted, would permit the applicant to use the following property: N1/2N1/2 in Section 32-116-49, Altamont Township in the following manner: to build a shed within 150 feet from the road right of way in an AG District. Wells stated that he removed the old barn and silo and would like to build a 50' x 100 pole shed for storage. Wells stated that they couldn't move the shed back any further because of sewer, water, and electric lines. Motion by Durfee, seconded by Jaeger to approve the Variance to build a 50' x 100' shed no less than 50 feet from the road right of way in an AG District on N1/2N1/2 in Section 32-116-49, Altamont Township. All voted in favor and motion carried. Findings for this variance is that there are sewer, water, and electric lines behind and to the sides of the proposed site for the shed. There are trees to the north, south and the west of the site so there would not be a snow proplem.

8. Motion by Rhody, seconded by Brandt to approve the Lot 1 Rymerson Farm Second Addition in E1/2 Section 22-113-49 Blom Township. All voted in favor and motion carried.

Kanengieter called the meeting.

Jodi Theisen
Zoning Office

Dennis Kanengieter
Chairman, Zoning Board