**HAMLIN COUNTY BOARD OF ADJUSTMENT**

Date: February 26, 2018

The Hamlin County Board of Adjustment met on February 26, 2018 at the Hamlin County 4-H Building at 310 Pheasant Ave. Hayti, SD. Board Members present were Larry Saathoff, Robbie Fedt, Scott Popham, , John Pantzke., and Richard Wiarda. Also present were Luke Muller and Thomas Nealon from First District in Watertown. A list of others attending the meeting is attached to the minutes and available in the Zoning Office.

Chairman Richard Wiarda called the Board of Adjustment Meeting to order at 1:15 p.m.

Motion by Pantzke, Second by Popham to approve Agenda. Motion passes unanimously.

Motion by Popham, Second by Pantzke to approve January 30th Board of Adjustment meeting minutes. Motion passed unanimously.

1. **Conditional Use** – Martin Prouty at N 53.33 Rods of SE ¼ of Cleveland Township in Section 17-113N-54W of the 5th P.M. in Hamlin County, South Dakota. Motion by Fedt, Second by Fedt to approve the Conditional Use permit. Nealon reviewed the staff report. The permit concerns a Class A Concentrated Animal Feeding Operation. Mr. Prouty seeks to operate a four thousand four hundred head (4,400 or 1,760 Animal units) wean to finish swine operation. Mr. Prouty spoke before the board, answering questions on the State general permit process with SD Department of Energy and Natural Resources and manure storage plans. Wayne Noem and Leon Johnson spoke in favor of Mr. Prouty’s proposed CAFO. No opposition testimony spoke. Muller reads the findings of fact. Chairman Wiarda calls for a roll call vote. The Motion to approve the conditional use permit passes 5-0.
2. **Conditional Use –** Drumgoon Dairy at NW1/4, Section 6-T113N-R52W, Hamlin County, South Dakota. (Norden Township). Motion by Pantzke, Second by Fedt to approve the Conditional Use permit. Muller reviewed the staff report. The permit is in regards to Drumgoon seeking to build a second multi-unit dwelling for farm employees. The ordinance (3.04.05 Accessory Agricultural Housing) allows for up to 24 individuals to reside on side with a maximum of 8 units housing three individuals each. Drumgoon current has residential dwelling units on site which house 16 individuals and with this permit is seeking to increase up to the maximum of 24 individuals. Transfer of development rights would occur by moving development rights from property owned by Drumgoon across US HWY 81. Muller finished with the staff report. John Delzer, Hamlin County State’s Attorney offered his perspective that in the determination last year when writing the ordinance, properties across the road do not constitute” contagious” pieces of property . Thus Drumgoon would not be able to use the development rights from the pieces of property they currently own across US HWY 81. Wiarda confirmed Delzer’s statement that last year they had this discussion on the transferability of development rights across the highway and stated this was the view of the entire board. David Elliot, on behalf of Rodney Elliot, spoke in favor of the conditional use. No one spoke in opposition. Leon Johnson brought up questions based upon the Board and staff’s interpretation of the ordinance. Chairman motioned to close the public hearing and postpone discussion to a later date. Motion by Saathoff, Second by Pantzke. Motion passes unanimously.
3. **Variance­** **Request** – Casey Witt on behalf of Steve and Aryls Sikorski at Nitteberg Beach Lot 26 in Section 20-113N-R52W of the 5th P.M. in Hamlin County, South Dakota. Motion by Pantzke, Second by Fedt to approve the Variance Request. Nealon reviewed the staff report. The variance is from the required rear yard lake front setback in the Lake Park District. Section 3.07.09 states that there must be a 50’ setback for all structures from the Ordinary High Water Mark (which for Lake Poinsett is 1651.5’). The Sikorski’s would like to build a deck within the setback and require a 2’ variance from the setback. As they have plans for an elevated deck, they are granted to build 10’ feet within the setback by ordinance. Casey Witt answered questions on the Ordinary High Water Mark, construction of the deck, and their own ordinance review. Muller spoke to how the ordinance was written for the Lake Park District and how to maximize the amount of usable land on small lake lots. Delzer spoke to the history of the Ordinary High Water Mark and shifts it has taken in the past decades. No one was present for proponent or opponent testimony. Muller read the findings of fact. Chairman Wiarda calls for a roll call vote. The Motion to approve the Variance Request passes 5-0.
4. **Open Discussion -** Casey Witt, at the conclusion of the Variance request, brought forward an informal discussion on the topic of “shop houses” and what the opinion of the Board would be in their conformance to the Ordinance. No conclusive opinion was reached by the board, yet they were willing to have a formal discussion on the matter soon.

Being no additional business, motion by Fedt, second by Popham to adjourn. Motion passed unanimously.

It is the policy of Hamlin County not to discriminate on the basis of color, national origin, sex, religion, age, or disability in employment or the provision of services.