**Hamlin County Board of Adjustment**

Date: July 31st, 2018

The Hamlin County Board of Adjustment met on July 31st, 2018 at the Hamlin County 4-H Building in Hayti, SD. Board Members present were Larry Saathoff, Robbie Fedt, Scott Popham, Len Kemnitz, Richard Wiarda, John Pantzke and Stuart Schubloom. Also present was 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 7:25 P.M.

Motion by Fedt, Second by Popham to approve the July 31st Board of Adjustment Agenda. Motion passed unanimously.

Motion by Popham, Second by Kenmitz to approve June 26th Board of Adjustment meeting minutes. Motion approved unanimously.

1. **Variance:** Erik and Barbara Jensen. Legal Description: Paulson’s Subdivision Block 1 Lot 19 in Section 31, Township 113N, Range 52W of the 5th P.M., Hamlin County, South Dakota. (Norden Township). Motion by Popham, Second by Kenmitz to approve the variance request for a reduced side yard setback. Nealon reviewed the staff report. The Jensen’s are seeking a reduced side yard setback to construct an addition to the existing structure and maintain the current side yard setback of 4 feet. Kenmitz put forward the idea that with the new addition being closer than 5’ and under the International Building Code (Not adopted in Hamlin County) the structure would need fireproof protection. Kenmitz suggested adding fire protection to the proposed addition on the wall with the reduced side yard setback. Wiarda opened the public hearing. Erik Jensen sought clarification on where the fire protection would need to go. Motion by Kenmitz, Second by Fedt to add to the motion a condition that requires the applicant to place fire proof protection as outlined in the International Building Code to the proposed addition. Motion passes with a voice vote. No other proponent or opponent testimony was heard. Wiarda closed the public hearing. Nealon read the findings of fact for the variance request. Wiarda called a roll call vote. Motion to approve the variance with conditions attached passed 7-0.
2. **Conditional Use:** Otter Tail Power Company. Legal Description: Lot 7 of Railroad Addition, a part of Lot 5 of the Plat of Lots 5 and 6 of Railroad Addition in S ½ of Section 33, Township 114N, Range 51W of the 5th P.M., Dempster, Hamlin County, South Dakota. Motion by Saathoff, Second by Schubloom to approve the conditional use permit for a pole platform substation. Nealon reviewed the staff report. Otter Tail Power Company seeks to construct a new pole platform substation to serve Dempster and the surrounding area. Otter Tail approached Staff earlier in 2018 with the proposed use and as the Zoning Ordinance was written, the use was not allowed in the Town District as well as plat issues with ingress and egress. Staff has worked with the Planning Commission and Otter Tail to solve these issues and this serves as the final step to construct the proposed use. Wiarda opened the public hearing. David Kantrud of Otter Tail Power Company spoke to the project and securing access from the property owner. No other proponent or opponent testimony was heard. Wiarda closed the public hearing. Nealon read the Findings of Fact for the conditional use permit. Wiarda called a roll call vote. Motion to approve the conditional use permit to construct a pole platform substation passed 7-0.
3. **Conditional Use:** Otter Tail Power Company. Property Description: A 50’ wide strip of private property adjacent to (west of) 449th Avenue from 196th Street to the North side of 194th Street; and A 50’ wide strip of private property on the North side of 194th Street from 449th Avenue to the Western boundary of Lake Norden City limits. Motion by Fedt, Second by Saathoff to approve the conditional use permit to construct a 115Kv electrical transmission line. Nealon reviewed the staff report. Otter Tail Power Company is seeking to construct an electrical transmission line running from the City of Lake Norden south through Hamlin County and ending in Badger, SD in Kingsbury County. The length of the transmission line through Hamlin County is around 5-6 miles. They have included a proposed route for the line which would run through private easements along 194th and 449th Ave. Wiarda opened the public hearing. Representatives from Otter Tail, Vicki Severson and Todd Langston, spoke extensively to the details of the project concerning the dimensions and placement of lines, the easement negotiating process, and management of the line itself. Langston stated they would bury the existing line that runs along 449th avenue and use the site locations for poles as placement for the proposed line. No other proponent testimony was heard. Opponent testimony was heard from Jeanette Tuohino, Erdeman Steffensen, Ronald Thue, and James Skoglund. Kenmitz asked a question why the easement was 50 feet wide, and Langston stated this is conforming to federal guidelines for safety of the lines and that no structures could be placed within 50’ of the line. Current setbacks for structures in the Agricultural District is 100 feet. Saathoff described that the purpose of this hearing was to establish whether Otter Tail had met the conditions required for a conditional use application for an essential public service and the Board was not there to determine where the line should be placed as easements are an agreement between private parties. Without securing all necessary easements for the proposed route, Otter Tail cannot build. Otter Tail officials did leave open the possibility the route may change if they cannot secure all necessary easements. Wiarda closed the public hearing. Nealon read the findings of fact for the conditional use permit. Wiarda called a roll call vote. Motion to approve the conditional use permit for a 115 Kv electrical transmission line passed 7-0.

Motion by Fedt, Second by Popham to adjourn the Board of Adjustment meeting. 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.