**Hamlin County Board of Adjustment**

Date: September 23rd, 2019

The Hamlin County Board of Adjustment met on September 23rd, 2019 at the Hamlin County 4-H Building in Hayti, SD. Board Members present were Larry Saathoff, Scott Popham, Len Kemnitz, Richard Wiarda, Robbie Fedt, Stuart Schubloom, John Pantzke and Doug Noem. 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 Hamlin County Zoning Office.

Chairman Wiarda called the Board of Adjustment meeting to order at 7:00 P.M.

Motion by Fedt, Second by Saathoff to approve the September 23rd Board of Adjustment Agenda. Motion passed unanimously.

Motion by Popham, Second by Pantzke to approve the August 26th Board of Adjustment Minutes as amended. Motion passed unanimously.

1. Variance: Douglas & Sharon Traffie. Property Description: S 255’ of E ½ of SE ¼ in Section 9, Township 114N, Range 55W of the 5th P.M., Hamlin County, South Dakota. Motion by Kemnitz, second by Pantzke to approve the variance to have a reduced front yard setback for the construction of a house. Nealon reviewed the staff report. The applicant is seeking a reduced front yard setback to place a house closer to the ROW than allowed in the Agricultural District. Board did not have additional questions for the applicant before public testimony. Wiarda opened the public hearing. Krisitin Vandersnick spoke representing an adjoining landowner, Jim Porter. She asked if a culvert could be added to the road to allow for better drainage off the property. No other proponent testimony was heard. No opponent testimony was heard. Wiarda closed the public hearing. Daniel Seppanen, on behalf of the applicant, stated a culvert could be placed on the road in conjunction with the Township Board. Fedt stated the Township Board would work with Traffie to accomplish this. The Board set the placement of a culvert in the road as a condition of granting the variance. Board had no further discussion. Nealon read the findings of fact. Wiarda called a roll call vote. Motion to approve the variance to allow a reduced front yard setback passes 7-0.
2. Conditional Use: Schubloom Construction/Doug & Marilyn Amen. Property Description: E 25’ of Lot 35 & All of Lot 36 & 37 Less E 25’ of Lot 37 in Section 20, Township 113N, Range 52W of the 5th P.M., Hamlin County, South Dakota. Schubloom and Kemnitz recused themselves from this agenda item. Motion by Pantzke, second by Fedt to approve the conditional use request to contrast an unattached garage larger than allowed as permitted. Nealon reviewed the staff report. The Amen’s seek to construct a large garage on their front lot lake property for storage of vehicles and docks as well as personal use. Stuart Schubloom was there to answer questions of the board concerning dimensions and placement. Wiarda expressed concerns over blocking neighbor’s view. Wiarda opened the public hearing. No proponent testimony was heard. Opponent testimony was heard from Tom Paulson, the adjoining neighbor. He provided a letter of their reasons for opposition to the site. The letter was provided to the Board members before the meeting. Wiarda closed the public hearing. After further discussion the Board placed two conditions on the granting of the permit: 1. Move the garage closer to the ROW by 13’ to decrease the affect on neighboring site lines and reduce sidewall height from 14’ to 12’. Board agreed to the conditions and Schubloom was accepting of the proposal. No further questions were asked by the Board. Nealon read the findings of fact. Wiarda called a roll call vote. Motion with conditions to construct an unattached garage passes 6-0.
3. Conditional Use: Stuart Schubloom. Property Description: The South Half (N 1/2) of Tract A, Prairie Quay 2nd Addition in Government Lot 6 in the Northeast Quarter of Section 30, Township 113 N, Range 52 West of the 5th P.M., Hamlin County, South Dakota. Schubloom recused himself from this agenda item. Motion by Kemnitz, Second by Fedt to approve the conditional use to construct an attached garage larger than allowed by a permitted use. Nealon reviewed the staff report. Schubloom seeks to finish the gap in between two structures and add additional storage space in the garages near Prairie Quay residential development. Board asked about access onto the property. Wiarda opened the public hearing. No proponent or opponent testimony was heard. Wiarda closed the public hearing. No additional questions were asked by the Board. Nealon read the findings of fact. Wiarda called a roll call vote. Motion to approve the conditional use passes 7-0.
4. Conditional use: Claremont Colony. Property Description: E ½ of Section 4, Township 114N, Range 51W of the 5th P.M., Hamlin County, South Dakota. Nealon read the staff report. Claremont Colony seeks to establish a new hog CAFO and reorganize their existing hog operations on the colony site for better management and facility practices. The operation would include an increase of 7,110 animal units and a new barn and accessory facilities. Board asked questions of the applicant and applicant gave a short summary of reasons why they are seeking this reorganization and expansion. Wiarda opened the public hearing. Proponent testimony was heard from John Layman and Jim Campbell, opponent testimony was heard from Jim & Mary Uthe, Russel Mack, and Janell Trego. Wiarda closed the public hearing. Concerns were brought up about well placement on the Uthe’s property and waiver’s signed allowing closer setbacks for new CAFO’s to existing dwellings. Test wells were brought up as a possible solution, but no condition was set. Wiarda provided a historical look at the Board and Claremont relationship. Noem provided his perspective on manure and contamination concerns. Motion by Wiarda, second by Popham to postpone until next month to allow Uthe’s and Claremont to discuss options on the well and connections to Sioux Rural Water. Vote on the motion passes 7-0.
5. Staff asked hypothetical question about variance at lake. Staff report update.

With no further business, motion by Popham, Second by Fedt to adjourn the Hamlin County 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.