

Hamlin County Board of Adjustment

Date: July 27th, 2020

The Hamlin County Board of Adjustment met on July 27th, 2020 at the Hamlin County 4-H Building in Hayti, SD and over teleconference via Zoom. Board Members present were Larry Saathoff, Scott Popham, Robbie Fedt, Stuart Schubloom, Leonard Kemnitz, and Richard Wiarda. Also present was Zoning Officer Payton Schafers, Todd Kays, and Luke Muller from First District in Watertown, Terry Stofferahn, Miranda Ribstein, Raquel Donelly, Adrian Dreessen, Bobb Winters, John Hurley, and Deb Eisenbeisz.

Chairman Wiarda called the Board of Adjustment meeting to order at 7:15 P.M.

Public participation - No one from the public asked to participate in the agenda item.

Ex Parte communication or conflict of interest - Schubloom acknowledged that he is an adjacent landowner to an applicant but had no objections to the request and would still be voting.

Motion by Kemnitz, Second by Schubloom to approve the July 27th Board of Adjustment Agenda. Board Roll call vote on motion passed unanimously.

Motion by Fedt, Second by Saathoff to approve the June 22nd Board of Adjustment Minutes. Board Roll call vote on motion passed unanimously.

New Business: Conditional Use – Terrance Stofferahn. Property Description: Government Lot 7 less platted parcels; all in Section 30, Township 113N, Range 52W of the 5th P.M., Hamlin County, South Dakota. Motion by Fedt, second by Popham to approve the conditional use permit for a 108' x 42' unattached garage on a backlot property. Zoning Officer presented Staff Report; Applicant spoke on behalf of the project; Wiarda opened public hearing; No public testimony occurred; Wiarda closed public hearing; Board discussion; Schafers read questions to establish findings of fact; Kemnitz recommended to include the conditions from the zoning officer to limit the maximum size of the shed to 108' x 42' and not allow living quarters. Board Roll call vote on motion passed unanimously.

Variance – Adrian Dreessen. Property Description: Outlot B less Outlot 1 in Government Lot 3 Estelline Township in Section 15, Township 113N, Range 52W of the 5th P.M., Hamlin County, South Dakota. Motion by Kemnitz, second by Popham to approve the variance request for a reduced front yard road front setback for construction of a 10' x 12' shed. Zoning Officer presented Staff Report; Applicant spoke on behalf of the project; Wiarda opened public hearing; No public testimony occurred; Wiarda closed public hearing; Board discussion; Schafers read questions to establish findings of fact; Board Roll call vote on motion passed unanimously.

Conditional Use – Robert Winters/VW Ent, LLC. Property Description: Block 1, Lemme Addn in OL 1 of Government Lot 7 all in Section 36, Township 113N, Range 53W of the 5th P.M., Hamlin County, South Dakota. Motion by Fedt, second by Schubloom to approve the conditional use permit for a bar, tavern, or lounge. Zoning Officer presented Staff Report and letter, received prior to the written testimony deadline, from John Hurley, stating that he would like to have a fence placed on the north property line; Applicant spoke on behalf of the project. Winters stated they have brought in gravel and compacted the area west of the building for parking; Wiarda opened public hearing. Mr. Hurley restated his intent to have a fence separating the properties; Wiarda closed public hearing; Board members discussed the type of fence and height that should be required. Wiarda proposed a minimum 6' tall fence made of wood, composite, or

vinyl be added as a condition. Kemnitz proposed the condition to require the building be inspected and provide a certificate of compliance; Conditions recommended by Wiarda and Kemnitz were agreed to by Fedt and Schubloom as friendly amendments to be added to original motion; Schafers read questions to establish findings of fact; Wiarda reopened the public hearing for Eisenbeisz to readdress the board. Wiarda closed the public hearing; Board Roll call vote on motion passed unanimously.

There was nothing for the open.

Staff report – Schafers updated the members on the status of previous complaints made against Mr. Hurley’s Beachbar railing and Rubble Site/Contractor Yard. Schafers received a report from a licensed building inspector stating the railing to be compliant. Kemnitz questioned the detail of the building inspector’s review. Chair determined that the complaint from the State Fire Marshall, regarding the railing, has been resolved. Schafers is also working with Mr. Hurley to remove items from the Rubble Site/Contractor Yard that are not in compliance with his previously issued permits and creating a site plan to help organize the property; Schafers provided the Board with a list of new building permits and discussed a permit issued to Aaron Van Holland for a house and garage that were being constructed within the front yard setback. Schafers determined the house meets the setback but the garage does not. Mr. Van Holland has stopped construction on the garage and will turn the foundation into a concrete parking pad.

With no further business, motion by Schubloom, Second by Fedt to adjourn the Hamlin County Board of Adjustment meeting. Board Roll call vote on 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.