

Hamlin County Board of Adjustment

Date: October 28th, 2020

The Hamlin County Board of Adjustment met on October 26th, 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, John Pantzke, and Richard Wiarda. Also present was Zoning Officer Payton Schafers and Luke Muller from First District in Watertown, Dan & Sam Seppanen, Brianna & Kevin Homola, Calvin Rhody, Mike Coughlin, Lori & Brooke Bahnson, Scott Petterson, Dave Meyer, Scott & Gina Pantzke, Brad & Susanne Albrecht, Robin Nefzger, Curt Messler, Craig & Michelle Wells, and John Delzer.

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

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

Ex Parte communication or conflict of interest – Board member Schubloom recused himself from the vote on the agenda item for Brad & Susanne Albrecht. Board member Pantzke recused himself from the vote on the agenda item for Scott Pantzke.

Motion by Fedt, Second by Popham to approve the October 26th Board of Adjustment Agenda. Board Roll call vote on motion passed unanimously.

Motion by Popham, Second by Fedt to approve the September 21st Board of Adjustment Minutes. Board Roll call vote on motion passed unanimously.

New Business: Conditional Use – Curt Messler. Property Description: Iverson's 1st Addition: Lots 18B & 19B in Section 20, Township 113N, Range 52W of the 5th P.M., Hamlin County, South Dakota. Motion by Fedt, second by Schubloom to approve the conditional use permit for a 30' x 60' storage shed with 14' sidewalls and an 8' x 16' attached, covered porch. Zoning Officer presented Staff Report; Applicant spoke on behalf of the project; Wiarda opened public hearing; Lori and Brooke Bahnson spoke in opposition to the height of the sidewalls; Wiarda closed public hearing; Board discussion on sidewall height; Schafers read questions to establish findings of fact; Board Roll call vote on motion passed unanimously.

Variations – Brad & Susanne Albrecht. Property Description: Nesson's Subdivision: Lot 9 & S1/2 of Lot 10 in Section 36, Township 113N, Range 53W of the 5th P.M., Hamlin County, South Dakota. Motion by Popham, second by Fedt to approve the 20' variance to the front yard (road front) setback. 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. Motion by Fedt, second by Pantzke to approve the 1' variance to the side yard (north) setback. Board Roll call vote on motion passed unanimously. Motion by Popham, second by Kemnitz to approve the 1' variance to the side yard (south) setback. Board Roll call vote on motion passed unanimously.

Conditional Use – Scott Pantzke. Property Description: Prestrude's Subdivision: NW 1/2 Lots 19 & 19A, all of Lots 20 & 20A, & Lots 21 & 21A in Section 23, Township 113N, Range 52W of the 5th P.M., Hamlin County, South Dakota. Motion by Fedt, second by Schubloom to approve the conditional use permit for a 30' x 40' storage shed with 16' sidewalls. Zoning Officer presented Staff Report; Applicant spoke on

behalf of the project; Wiarda opened public hearing; Robin Nefzger commented on bridge heights in the state; Wiarda closed public hearing; Board discussion on sidewall height and how to proceed with future oversized shed requests; Schafers read questions to establish findings of fact; Board Roll call vote on motion passed unanimously.

Conditional Use – Kirk Hinrich. Property Description: Sunset Park Estates Addition: Lot 38, Block 2 in Section 26, Township 113N, Range 52W of the 5th P.M., Hamlin County, South Dakota. Motion by Kemnitz, second by Schubloom to approve the conditional use permit for a 54' x 72' storage shed with 16' sidewalls. Zoning Officer presented Staff Report; Applicant's contractor, Scott Petterson, 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 – Dan & Robin Nefzger. Property Description: Nefzger Windbreak Addition in SW1/4 of Section 16, Township 113N, Range 52W of the 5th P.M., Hamlin County, South Dakota. Motion by Fedt, second by Pantzke to approve the conditional use permit for a 40' x 60' quonset-style storage shed with 12' sidewalls. 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.

Variance – Michael Coughlin. Property Description: Lot 1 in SE1/4 in Section 28, Township 113N, Range 53W of the 5th P.M., Hamlin County, South Dakota. Motion by Kemnitz, second by Fedt to approve the variance to move-in a used residential building without acquiring 100% of adjoining landowners' signatures. Zoning Officer presented Staff Report; Applicant spoke on behalf of the project; Wiarda opened public hearing; Kevin & Brianna Homola spoke in opposition; Wiarda closed public hearing; Board discussion on whether this request can be variances; Schafers read questions to establish findings of fact; Board Roll call vote on motion failed 4 no-3 yes.

Conditional Use – David Meyer/Sioux Valley Developments. Property Description: Lot 1 of Prairie Quay 6th Addition in Government Lot 6 in the NE1/4 of Section 30, Township 113N, Range 52W of the 5th P.M., Hamlin County, South Dakota. Motion by Pantzke, second by Kemnitz to approve the conditional use permit for a 52' x 128' commercial storage garage. Zoning Officer presented Staff Report; Applicant spoke on behalf of the project and expressed intent for expanding the garage in the near future; Wiarda recommended postponing the request to allow the applicant to include his expansion plan; Motion by Pantzke, second by Kemnitz to postpone the request to the November meeting; Board Roll call vote on motion passed unanimously.

Conditional Use – Samuel Seppanen. Property Description: Solsaa Overlook Addition in the E1/2 of the NE1/4 of Section 18, Township 114N, 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 60' x 80' storage shed with 16' sidewalls to operate a contractor shop and yard to become a future extended home occupation. 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.

Variance – Calvin Rhody/Ranger Bar Inc. Property Description: Portions of parent parcel Outlot A, Government Lot 3 in Section 15, Township 113 North, Range 52 West of the 5th P.M., Hamlin County,

South Dakota to be known as: Lot 1, Stone Bridge Resort Second Addition in Section 15, Township 113N, Range 52W of the 5th P.M., Hamlin County, South Dakota., and Lot 2, Stone Bridge Resort Second Addition in Section 10 & 15, Township 113N, Range 52W of the 5th P.M., Hamlin County, South Dakota. Motion by Popham, second by Kemnitz to approve the variances to minimum lot areas. Zoning Officer presented Staff Report; Applicant spoke on behalf of the project and expressed intent to plat the parent parcel into several individual lots; Wiarda opened public hearing; Craig & Michelle Wells spoke in support of the project as they intent to purchase Lot 2; Wiarda closed public hearing; Board discussion occurred on the small size of the lots and concerns about sewer connection. While questioning the applicant, the Board discovered that the existing sanitary sewer line is plugged. Rhody says the sanitary sewer district has plans to replace the line, but is unsure when that will occur. Wiarda recommended postponing the request for the applicant to submit an overall development plan for the parent parcel and gather information detailing how/when his lots will be connected to the sewer district; Motion by Popham, second by Kemnitz to postpone all matters related to the request to November's meeting; Board Roll call vote on motion passed unanimously.

There was nothing for the open.

Staff report – Schafers updated the Board on the first meeting between First District and the Lake Poinsett Association to begin discussion on ordinance changes to the Lake Park District.

Wiarda asked for a motion to enter executive session for the purpose to discuss potential legal action. Motion by Schubloom, second by Fedt. Board Roll call vote on motion passed unanimously.

The Board reconvened after executive session. Wiarda recommended the Zoning Officer work with First District on options for amending Section 3.07.05.7 to allow taller sidewalls heights on garages as a permitted use.

With no further business, motion by Popham, Second by Kemnitz 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.