

Hamlin County Board of Adjustment

Date: December 29th, 2020

The Hamlin County Board of Adjustment met on December 28th, 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, Richard Wiarda, and alternate Doug Noem. Also present was Zoning Officer Payton Carda, Luke Muller, and Todd Kays from First District in Watertown, Brandon Ree, Walter Ree, Brian Ree, Mark Ree, Daniel Nefzger, Kevin Grunewaldt, Ethan Beld, Mary Theiler, John Hurley, Chuck Nelson, Mar, Neu, Jay Gilbertson, and Michael Coughlin.

Chairman Wiarda called the Board of Adjustment meeting to order at 1:30 P.M.

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

Ex Parte communication or conflict of interest – Kemnitz responded that he will be sitting out agenda item 7d due to being on the Lake Region Golf Board.

Motion by Pantzke, Second by Kemnitz to approve the December 28th Board of Adjustment Agenda. Board Roll call vote on motion passed unanimously.

Motion by Schubloom, Second by Popham to approve the November 23rd Board of Adjustment Minutes. Board Roll call vote on motion passed unanimously.

New Business: Conditional Use – Mark Neu. Property Description: Grape 1st Addition: Lot 6a of Section 16, T113N, R52W of the 5th P.M., Hamlin County, South Dakota. Motion by Noem, second by Pantzke to approve the conditional use permit for a 40' x 72' unattached garage with 16' sidewalls and approximately 5' x 45' and 5' x 20' attached awnings. Zoning Officer presented Staff Report; Applicant spoke on behalf of the project and mentioned that the sidewall height has been decreased to 12 feet. Wiarda opened public hearing; Dan Nefzger spoke in opposition. Mr. Nefzger presented a petition against the application signed by himself and ten other neighbors. Mr. Nefzger also mentioned the possibility of a water main line for Kingbrook Rural Water running through the location of the proposed shed; Wiarda closed public hearing; Board discussion occurred over the large size of the shed on the lakefront. Wiarda suggested postponing the request to allow the applicant to confirm the location of any Kingbrook water lines on the property and evaluate other possible locations on the property for the shed; Motion by Kemnitz, second by Pantzke to postpone the request until the next meeting; Board Roll call vote on motion passed unanimously.

Conditional Use – Mary Theiler. Property Description: Lot 3 of Lots 1,2, and 3 of Prairie Quay 6th Addition in Government Lot 6 in the NE1/4 of Section 30, T113N, R52W of the 5th P.M., Hamlin County, South Dakota. Motion by Noem, second by Popham to approve the conditional use permit for a 40' x 80' unattached garage with 14' sidewalls and an approximately 5' x 15' attached awning. 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 occurred over how this request differs from the previous request due to the locations; Carda read questions to establish findings of fact; Board Roll call vote on motion passed unanimously.

Amendment to Previously Issued Conditional Use – John Hurley. Property Description: S416' of W639' Less Exc of SW1/4 of Section 8, Township 113N, Range 52W of the 5th P.M., Hamlin County, South Dakota.

Motion by Popham, second by Noem to approve the amendment to previously issued conditional use permit – Contractor Yard - to include a contractor shop. Zoning Officer presented Staff Report; Applicant spoke on behalf of the project; Wiarda opened public hearing; Mark Ree spoke in opposition. Mr. Ree expressed that he would like to see the County rescind the original permit. Brian Ree also spoke in opposition and provided a deed restriction from the original sale of the property to Brock Vardsveen that restricts residences or building sites on the property. Walter Ree also spoke in opposition; Wiarda closed public hearing; Board discussion occurred over the current disarray of the site and what needs to be done before a building permit should be issued. The Board also discussed the deed restriction presented earlier. Carda mentioned an email from the Register of Deeds stating there were no restrictions to the land listed on the Warranty Deed when Mr. Hurley purchased the property. Kemnitz proposed a motion to postpone the request until the Zoning Officer could discuss the matter with the State's Attorney; Motion by Kemnitz, second by Pantzke to postpone the request until the next meeting; Board Roll call vote on motion passed unanimously.

Amendment to Previously Issued Conditional Use & Variance Request – Kevin Grunewaldt. Property Description: Hudy Addition in SE1/4 of Section 36, Township 113N, 53W of the 5th P.M., Hamlin County, South Dakota; Outlot 3 of Government Lot 7 less Lot H-4; Lot 1, Grunewaldt's Oasis Addition in SE1/4 & SW1/4 Section 36, Township 113N, 53W of the 5th P.M., Hamlin County, South Dakota; and a portion of S1/2 of SE1/4 & NW1/4 or SE1/4 owned by Tim & Brenda Bjorklund. Motion by Noem, second by Popham to approve the variance request to construct and operate a domestic sanitary sewer treatment plant/facility within 1000' of the property line of a residence. Zoning Officer presented Staff Report; Applicant spoke on behalf of the project and requested the Board to postpone the vote to the next meeting; Wiarda opened public hearing; No public testimony occurred; Wiarda closed public hearing; Board discussion occurred over letting the applicant postpone in order to allow him to obtain the two missing residential waivers and discuss the project with the Lake Region Golf Course Board; Motion by Pantzke, second by Fedt to postpone the variance request until the next meeting; Board Roll call vote on motion passed unanimously. Motion by Pantzke, second by Noem to postpone the amendment to the previously issued conditional use permit until the next meeting; Board Roll call vote on motion passed unanimously.

Old Business: Questions on Conditions Attached to Previously Issued Sand, Gravel, or Quarry Operation Conditional Use – Loren Beld. Property Description: NE1/4 of Section 21, T115N, R51W of the 5th P.M., Hamlin County, South Dakota; Ethan Beld expressed some of the issues they have been experiencing with neighbors and what they need to be doing to follow their haul road; Wiarda stated the conditions attached to the permit stated the road needs to be maintained to a standard set by the highway superintendent; Todd Kays, acting as parliamentarian recommended adding this item to next month's agenda in order for adjoining landowners to be part of the discussion. The applicant and the Board unanimously agreed to readdress this item next month.

There was nothing for the open or on the Staff Report.

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