

## **Hamlin County Board of Adjustment**

Date transcribed: January 26th, 2021.

The Hamlin County Board of Adjustment met on January 25th, 2021 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, Loren Beld, Jessie Ruml, Donald Goldhorn, John & Billie Jo Hurley, Mark Neu, Al Wood, Chuck Nelson, Jeff Olson, John, Lake Region Golf Course, Olsen Ace Hardware, Joe Jensen, Robin & Dan Nefzger, Brandon Ree, Walter Ree, Brian Ree, Mark Ree, Kevin Grunewaldt, Deb & Randy Eisenbies, Mark Stevenson, Betty Scroe, and Brook Johnson.

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

Public participation – Mark Ree 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 Fedt, Second by Popham to approve the January 25th Board of Adjustment Agenda. Board Roll call vote on motion passed unanimously.

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

Old Business: Discussion on conditions attached to a previously issued Sand, Gravel, or Quarry Operation Conditional Use – Loren Beld. Property Description: N2SE4 & S2SW4 less exc of Section 25, T115N, R53W of the 5th P.M., Hamlin County, South Dakota. Discussion occurred between Beld, Board members, and homeowners (Wood, Goldhorn, Ruml, and representatives from Western Area Power Administration) along the haul road route 183<sup>rd</sup> Street, from 450th Avenue east to Highway 81. Wiarda acknowledged that Beld was not responsible for all the dust on a busy road like 183<sup>rd</sup> Street. Fedt also agreed that Beld should continue practices such as watering the road on days that are specifically dusty or when they are hauling more than normal. Beld offered to share the cost of placing calcium chloride on the road in front of residences. Several residents appreciated the gesture. Wiarda stated this would go above and beyond what is required and has no additional recommendations. Zoning Officer will continue to be the point of contact for any issues associated with dust and this permit.

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 Popham, second by Fedt to approve the conditional use permit for a 36' x 60' unattached garage with 12' sidewalls and approximately 6' x 36' and 6' x 20' attached awnings. Zoning Officer presented new information from the Staff Report; Applicant was having trouble with phone and would rejoin the meeting. Motion by Fedt, second by Popham to table the request until the applicant could rejoin the meeting.

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 Fedt, second by Popham to approve the amendment to previously issued conditional use permit – Contractor Yard - to include a contractor shop. Zoning Officer presented new information from

the Staff Report confirming the validity of the deed restriction on the property described above; Applicant chose to withdraw his application after the new information was presented.

Motion by Pantzke, second by Kemnitz to remove from the table the request from Mark Neu. Board Roll call vote on motion passed unanimously. The applicant spoke on behalf of the project and explained decreasing the size of the shed so as not to impede on the utility easement; Wiarda opened public hearing; Dan Nefzger spoke as an opponent stating Kingbrook rural water did not accurately locate the water line. Stevenson, Robin Nefzger, the Eisenbieses, Hansen, and Scroe spoke in opposition of the project based on property values and the availability of vacant backlots. Grunewaldt spoke as a proponent of the project if the applicant matches the shed siding with the house; Wiarda closed public hearing; Board discussion occurred over the larger size of the shed on the lakefront. Wiarda suggested postponing the request again to allow the applicant to confirm the location of the Kingbrook water line on the property and evaluate the possibility of locating the shed on a backlot; Motion by Fedt, second by Popham 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 Popham, second by Pantzke to approve the variance request to construct and operate a domestic sanitary sewer treatment plant/facility accessory to the previously approved campground on property within 1000' of a residence. Zoning Officer presented new information from the Staff Report. Within the last month, the applicant provided his interpretation of the 1000' rule and staff agreed that the 1000' setback should be measured from the property line of the sanitary sewage treatment plant/facility to the residence. Because the sanitary sewer treatment plant/facility is an accessory use to the previously issued campground, the lagoon parcel must be combined with the campground parcels. Applying this interpretation, staff determined 51 residences are now impacted by the application and require waivers; The applicant stated his intent to ask the Board to appeal the decision of the Zoning Officer. The States Attorney spoke in agreement with the interpretation of the Zoning Officer and stated the Board would need to change the ordinance to approve; Applicant spoke on behalf of his interpretation stating the property line should be considered a separate parcel; Subsidiary motion by Noem, second by Pantzke to approve the applicant's appeal to the decision of the Zoning Officer. Board Roll call vote on motion failed unanimously. Based on the vote, Grunewaldt chose to withdraw his applications.

Open – Ree addressed the unsightliness of the property along Highway 28 owned by John Hurley. He would like to know that the County is having Mr. Hurley clean up the property, what items are to be removed and when. Wiarda asked the Zoning Officer to put together a report for the next meeting on what is and is not allowed based on the permits granted to the property, then a timeline can be discussed.

There was nothing for the Staff Report.

With no further business, motion by Fedt, 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.