

Hamlin County Board of Adjustment Staff Report
Tuesday, May 30th, 2023 – 7PM

Issue #1 Conditional Use

Applicant/Owner: Noah Felderman/Kevin Grunewaldt

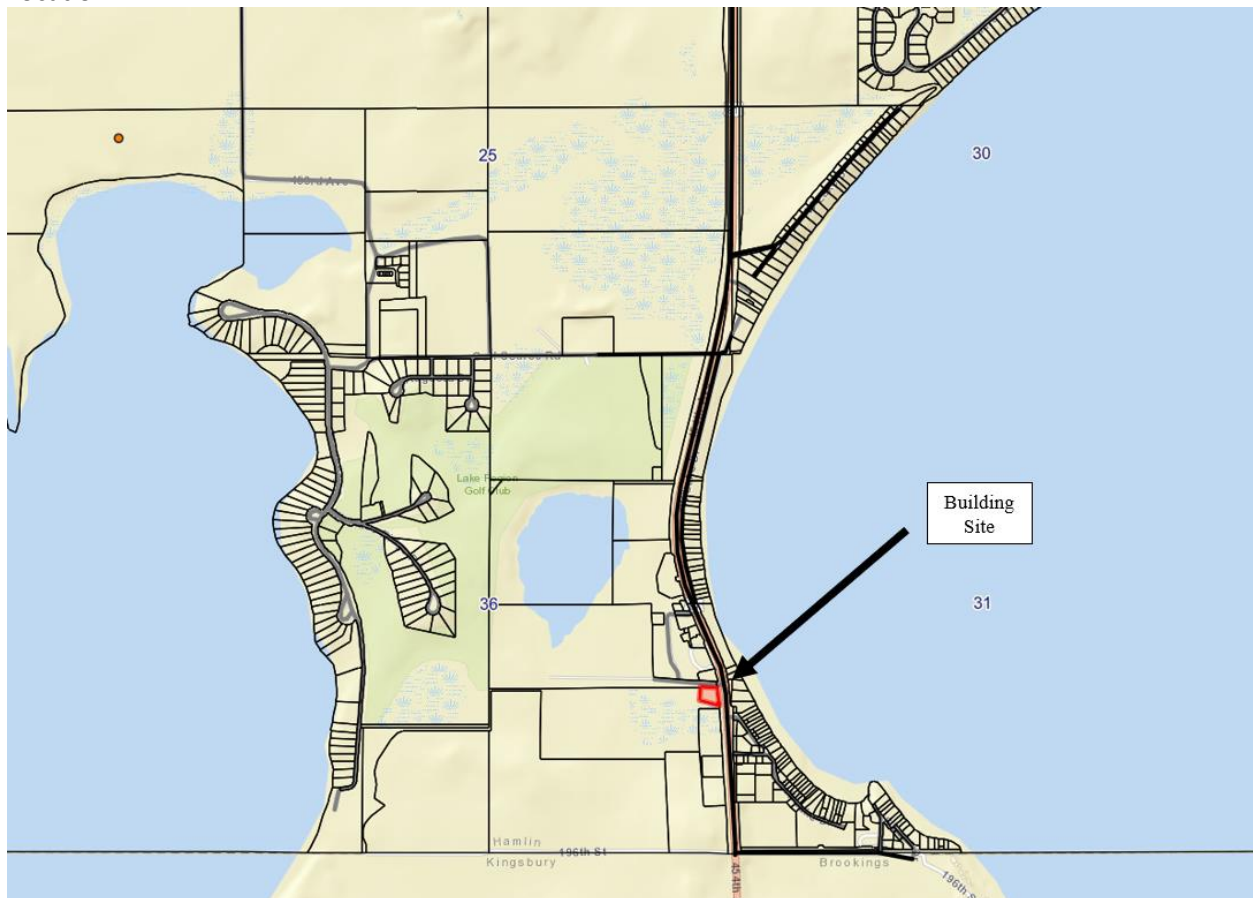
Property Description: Outlot 3 of Government Lot 7 less Lot H-4 Located in Section 36, Township 113 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.

Action Item: Conditional Use – Eating Establishment (Section 3.12.03.10).

Zoning Designation: Lake Park Commercial

(Make Motion to Approve the Request Subject to the Conditions in the Staff Report)

Location:



Specifics of Property/Request:

1. The applicant is seeking to construct a small building to operate a seasonal ice cream and snack shop during the warmer months of May-September. Potential items of sale include pre-packaged novelties, breakfast, and other ice cream treats.
2. The proposed building will be approximately 20' x 12'.

Ordinance/Board History regarding this request:

1. The lot is approximately 32,500sqft and 190' wide along the roadside, which meets the minimum lot area and width requirements.
2. The property is adjacent to SD Highway 81, which is a heavily trafficked road. Entrance and exit would occur from the approach to Mr. Grunewaldt's campground just to the north of the property. Traffic is expected to remain busy, especially during the summer months.
 - a. A parking area is proposed along the north side of the property. The applicant did not state the number of parking spaces that will be created.
3. The applicant intends to have rural water and electric serve the property. The applicant did not address plans for refuse services or need for sanitary sewer hookup.
 - a. The applicant will be required to identify a location for a refuse bin on the property.
4. The applicant did not provide any plans screening or buffering the property and intends to leave surrounding property as open space.
 - a. General Compatibility: All adjacent property as also Lake Park Commercial. Campground to the north and west, storage units to the south, and resort/condos/hotel and new convenience store to the east.
5. The applicant did not address any plans for lighting. Staff does recommend having a downward facing light on the building or a streetlight to illuminate the parking area.
6. The applicant did not address the need for signage. The Zoning Ordinance allows one on-site sign with a maximum surface area of 80sqft.
7. The proposed location for the building would meet all yard setbacks, 10' for the side yard and 30' for the front (roadside) yard.
8. At the time of this report, staff has not received any correspondence from adjoining landowners.



Staff Summary & Recommendation:

The applicant has provided almost all documentation of the ability to meet the requirements of the zoning ordinance in reference to the proposed Eating Establishment. The Board may attach conditions to this request provided there is a logical reason to do so. Any conditions recommended by staff are primarily references to conditions placed on similar requests.

Board Action: Conditional Use: Eating Establishment

The Board may: 1) Postpone the decision 2) Deny the Request 3) Approve the request with or without conditions.

If approved, staff recommends the following conditions.

1. The applicant will need to ensure parking only occurs on the parcel associated with the application and not within the highway right-of-way.
2. The applicant shall ensure the property is orderly, free of refuse, and weeds are maintained.
3. Exterior, downward facing lighting is required for all proposed parking/service areas.

Issue #2 Conditional Use

Applicant/Owner: James Langdeaux

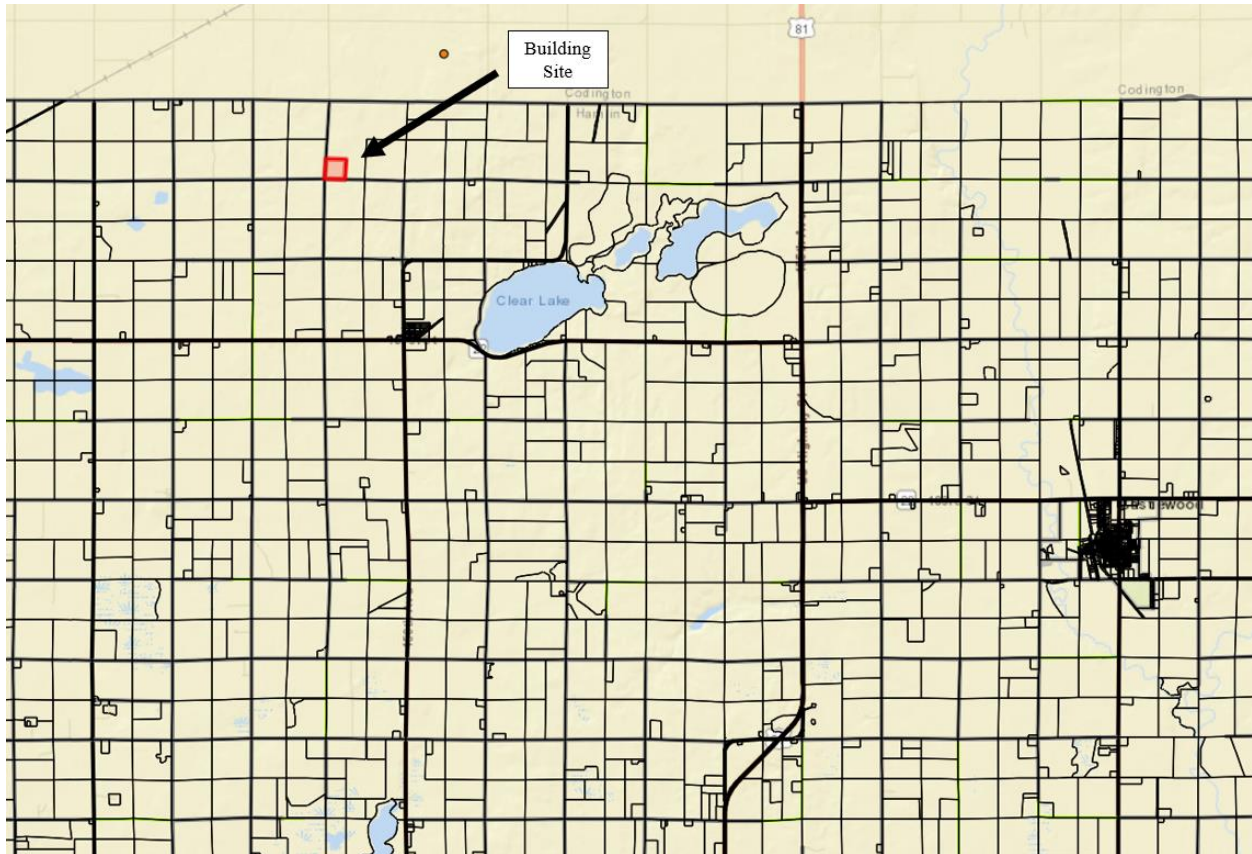
Property Description: SW1/4 of the SW1/4 in Section 5, Township 115 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota; and Langdeaux Addition Located in the SW1/4 of the SW1/4 in Section 5, Township 115 North, Range 53 West of the 5th P.M., Hamlin County, South Dakota.

Action Item: Conditional Use – Commercial Stables as Extended Home Occupation (Section 3.04.04.10/3.04.04.17) and Commercial public entertainment enterprises not normally accommodated in commercial areas (3.04.04.15).

Zoning Designation: Agricultural

(Make Motion to Approve the Request Subject to the Conditions in the Staff Report)

Location:



Specifics of Property/Request:

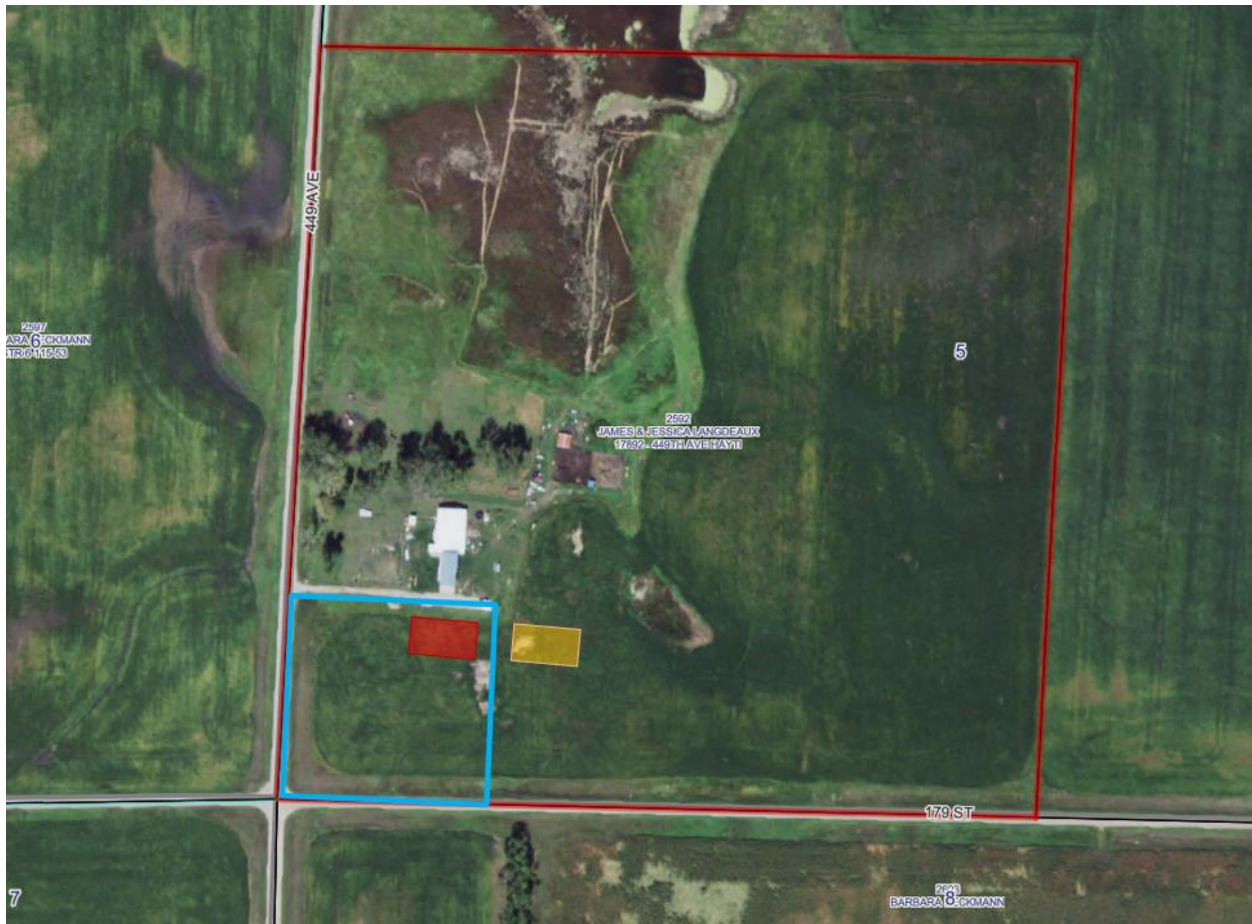
1. The applicant is seeking to construct and operate a commercial horse stable (shown in yellow) as an extended home occupation on the same property has his residence and a commercial public entertainment enterprises (shown in red), specifically for RC truck races, on adjacent 2.5 acre property.

Ordinance/Board History regarding this request:

1. Entrance and exit to the property will occur off 449th Avenue (township-maintained road) through an existing driveway to the property. The applicant has already addressed the Township and they did not have any concerns.
2. The applicant did not specify a specific area for parking but there is ample room to accommodate parking needs.
 - a. The applicant has stated that both ventures will be small and expect a minimal traffic increase.
 - b. The applicant also intends to widen the east portion of the driveway to allow for turnaround trailers associated with the horse barn. The applicant intends to have enough stalls to board 9-12 horses at a time, averaging 5-6 vehicles coming throughout the day. The number of horses located on the property cannot exceed 18 horses.
 - c. The R/C Track would average 15 cars, 2 nights per week. The applicant has a horse pasture that will be used for parking on busier nights.
 - d. In the event that traffic is increased to greater volumes than would normally be expected in a residential neighborhood, the applicant shall complete a road haul agreement with the

Township, if they deem necessary, to assist with increased maintenance due to traffic increase created by the proposed uses.

3. The applicant has already reached out to HD Electric and will have no issues bringing power from the existing transformers to the proposed buildings. Dependable Sanitation will handle removal of increased trash from both sites. A septic tank and drain field will be installed to handle facility restrooms. The applicant did not address rural water access.
4. The applicant does not include to supply any screening or buffering to the property. There are no residences on the adjacent properties. All surrounding land is agricultural. Both buildings will have the appearance of a pole shed and fit in with other structures in the district.
 - a. General compatibility: Livestock, specifically horses, are allowed within the Agricultural District. Making the horse stable/riding arena an agricultural-related use business.
 - b. All activities related to the RC Track will occur 100% indoors and the applicant ensures no increased noise, vibrations, or aesthetic issues will occur.
5. The property has an existing yard light and motion security lighting will be added to the buildings' entrances.
6. The applicant did not express the need for signage. They are allowed to have one sign on site maximum 80 sqft.
7. Lastly, the applicant did not address how they will manage manure/waste resulting from the commercial horse stables. Staff recommends this item be addressed before approval.
8. At the time of this report, staff has not received any correspondence from adjoining landowners.



Staff Summary & Recommendation:

The applicant has provided documentation of the ability to meet the requirements of the zoning ordinance in reference to the proposed Convenience Store. The Board may attach conditions to this request provided there is a logical reason to do so. Any conditions recommended by staff are primarily references to conditions placed on similar requests.

Board Action: Conditional Use: Commercial Horse Stable/Riding Arena operated as an Extended Home Occupation

The Board may: 1) Postpone the decision 2) Deny the Request 3) Approve the request with or without conditions.

If approved, staff recommends the following conditions.

- 1) In the event that traffic is increased to greater volumes than would normally be expected in a residential neighborhood, the applicant shall complete a road haul agreement with the Township, if they deem necessary, to assist with increased maintenance due to traffic increase created by the proposed uses.
- 2) The number of horses located on the property shall not exceed 18 horses at any time.
- 3) Applicant will ensure that they have a sufficient number of acres of land to support the proposed number of animal units to be stables, pastures, and/raised on site. A manure/nutrient management plan shall be included with the building permit to detail the management of manure on site and the safe disposal of.
- 4) The applicant agrees to maintain the exterior property. Weeds must be maintained and all trash must be contained within a refuse bin.
- 5) Parking shall not occur within front yard setbacks.

Board Action: Conditional Use: Commercial public entertainment enterprises not normally accommodated in commercial areas (Remote Control Vehicle Track)

The Board may: 1) Postpone the decision 2) Deny the Request 3) Approve the request with or without conditions.

If approved, staff recommends the following conditions.

- 1) In the event that traffic is increased to greater volumes than would normally be expected in a residential neighborhood, the applicant shall complete a road haul agreement with the Township, if they deem necessary, to assist with increased maintenance due to traffic increase created by the proposed uses.
- 2) The applicant agrees to maintain the exterior property. Weeds must be maintained and all trash must be contained within a refuse bin.
- 3) Parking shall not occur within front yard setbacks.

**Hamlin County Planning Commission Staff Report
Monday April 24th, 2023**

Issue #1 Rezone

Applicant/Owner: Daniel & Robin Nefzger

Property Description: A portion of Nefzger Windbreak Third Addition Located in the Southwest Quarter of Section 16, Township 113 North, Range 52 West of the 5th Prime Meridian, Hamlin County, South Dakota; to become: Lots 1 and 2 of Nefzger Windbreak Third Addition Located in the Southwest Quarter of Section 16, Township 113 North, Range 52 West of the 5th Prime Meridian, Hamlin County, South Dakota.

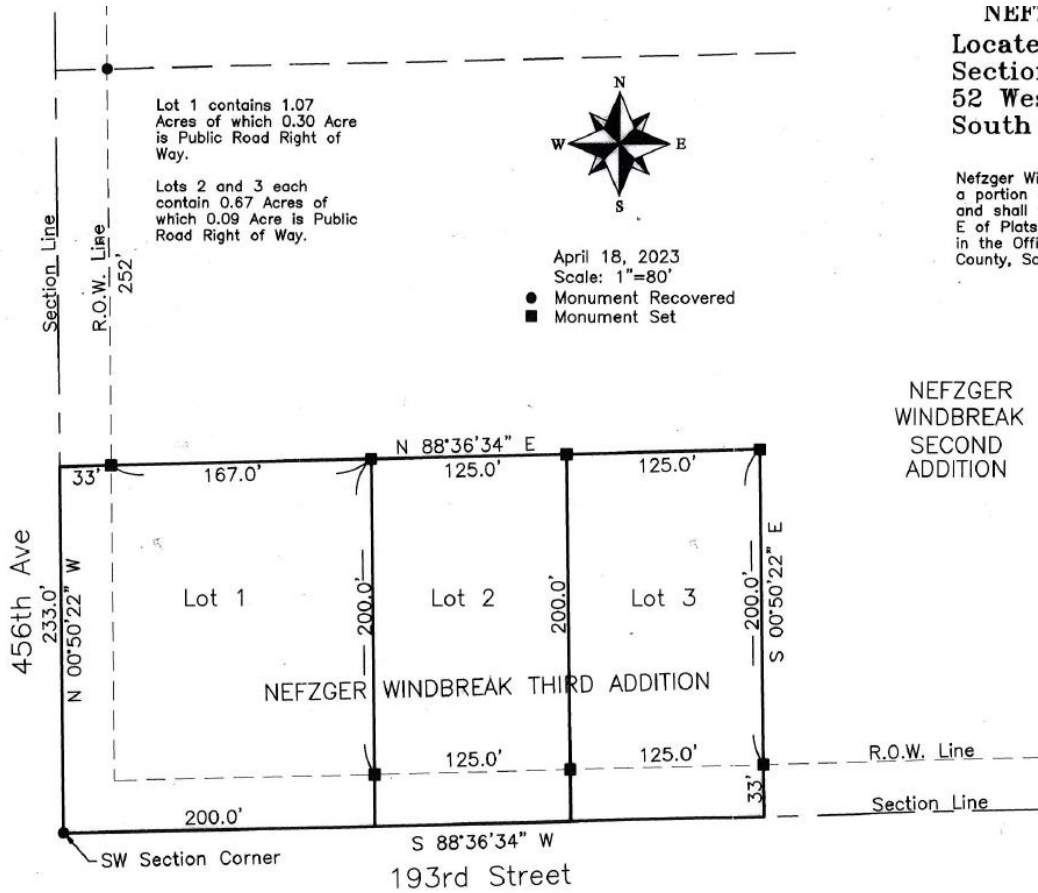
Action Item: Zoning Map Amendment

Zoning Designation: Lake Park 1/Agricultural

(Make Motion to Approve to County Commission)

Location:





NEFZGER WINDBREAK
 Located in the S
 Section 16, Town
 52 West of the 5
 South Dakota.

Nefzger Windbreak Third Addition shall vacate that portion E of Plats, page 364 on Dec in the Office of the Register County, South Dakota.

**NEFZGER
 WINDBREAK
 SECOND
 ADDITION**

Specifics of Property/Request:

1. The applicant is seeking to rezone Lots 1 and 2 from the Agricultural District to the Lake Park District to allow for building/storage.
2. Both lots were split by the 1,000' from the lake mark and are currently located within both districts.
3. Rezoning these proposed parcels to the Lake Park District is consistent with the County's Land Use Plan.

Staff Summary & Recommendation:

The applicant has provided documentation of its ability to meet the requirements of the zoning ordinance. Staff recommends this plat be forwarded to the commissioners.

Planning Commission Action:

The Commission may: 1) Postpone the decision 2) Recommend conditional approval or denial to County Commission

Issue #2 Plat

Applicant/Owner: Daniel & Robin Nefzger

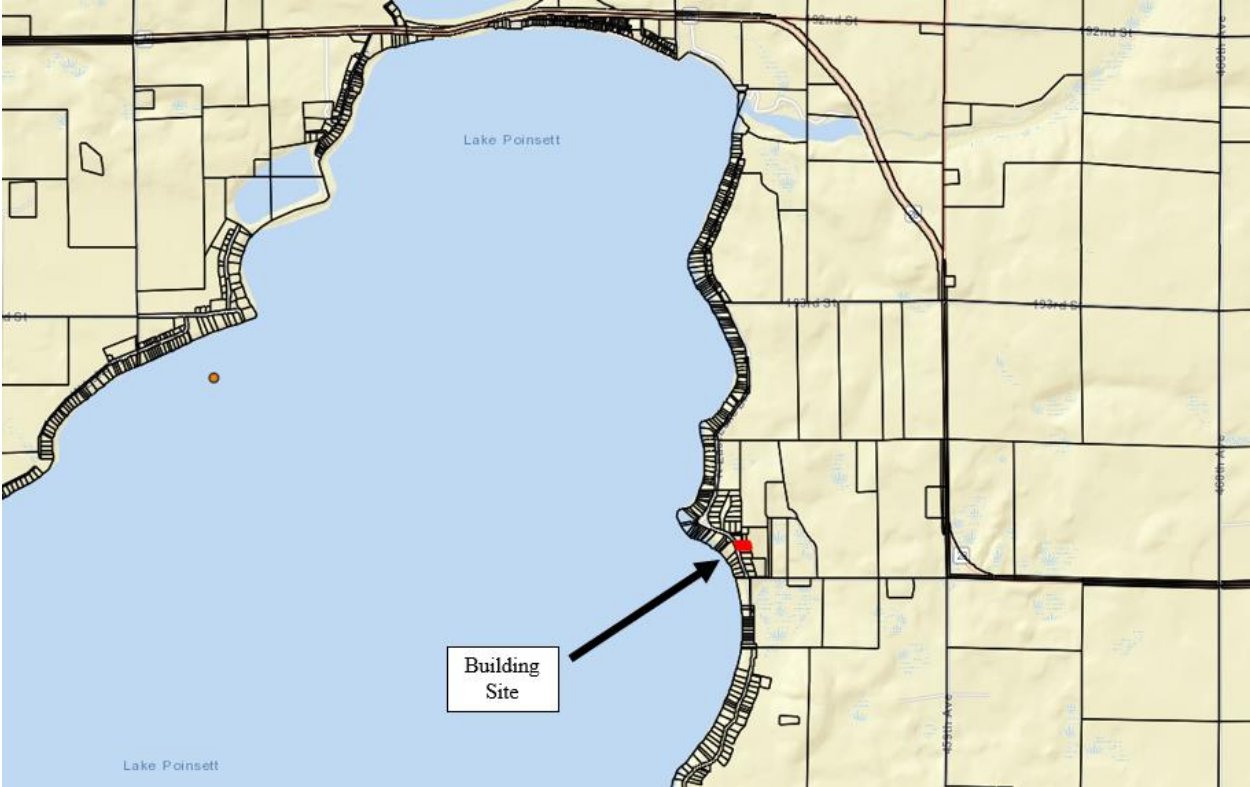
Property Description: Plat of Lots 1, 2 and 3 of Nefzger Windbreak Third Addition Located in the Southwest Quarter of Section 16, Township 113 North, Range 52 West of the 5th Prime Meridian, Hamlin County, South Dakota.

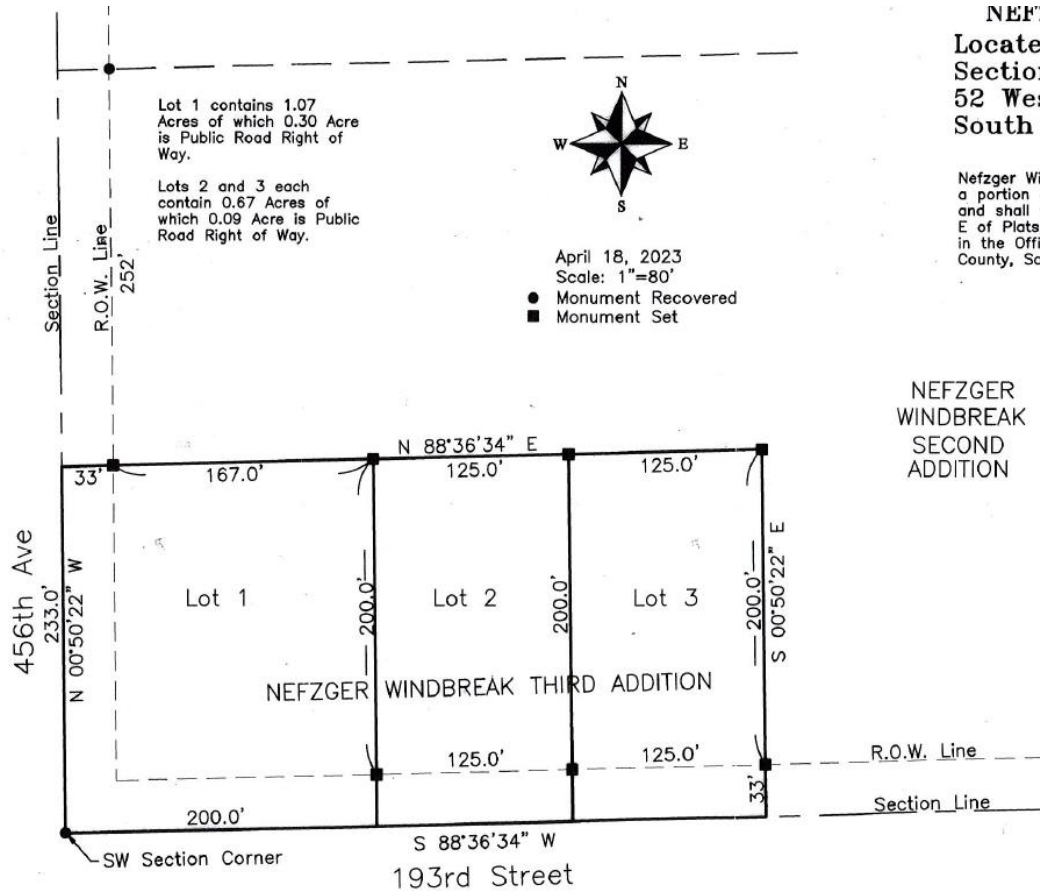
Action Item: Plat Approval

Zoning Designation: Lake Park 1/Agricultural

(Make Motion to Approve to County Commission)

Location:





NEFZGER WINDBREAK
 Located in the S
 Section 16, Town
 52 West of the 5
 South Dakota.

Nefzger Windbreak Third Addition shall vacate that portion E of Plats, page 364 on Dec in the Office of the Register County, South Dakota.

**NEFZGER
 WINDBREAK
 SECOND
 ADDITION**

Specifics of Property/Request:

1. The applicant is seeking plat off Lot 1, 2, and 3 of Nefzger Windbreak Third Addition.
2. All lots individually, meet the minimum lot width and lot area requirements.

Staff Summary & Recommendation:

The applicant has provided documentation of its ability to meet the requirements of the zoning ordinance. Staff recommends this plat be forwarded to the commissioners.

Planning Commission Action:

The Commission may: 1) Postpone the decision 2) Recommend conditional approval or denial to County Commission