

Hamlin County Board of Adjustment

Date transcribed: September 6, 2023

The Hamlin County Board of Adjustment met on August 28, 2023 at the Hamlin County 4-H Building in Hayti, SD. Board Members present were Richard Wiarda, Robbie Fedt, Martin Prouty, John Pantzke, Scott Popham, Doug Noem, and Stuart Schubloom. Also present was Zoning Officers Luke Muller and Jessica Tesch, Peder Haugan, Kathy Haugan, Fred Prah, Dan Finn, Cathy Bohms, Bruce Bohms, Kyle Bohms, Aaron Van Holland, Vaughn Jensen, Susan Jensen, Carter Johnson, Chuck Hoogendoorn, Doug Noem, Larry Bakke, Bruce Kreutner, Christine Kreutner, Doug Moen.

Chairman Wiarda called the Board of Adjustment meeting to order at 7:00 P.M.

Public comment – No one from the public asked to participate in the agendaed open item.

Ex Parte communication or conflict of interest – No board member responded.

Luke Muller introduced Jessica Tesch as the new Zoning Officer starting in September.

Motion by Fedt, Second by Pantzke to approve the Board of Adjustment Agenda. Motion passed unanimously.

Motion by Pantzke, Second by Noem to approve the July 31st Board of Adjustment Minutes. Motion passed unanimously.

New Business: Variance Request – David McMahon/Northern Natural Gas. Property Description: Lot 4A of Prestrude's Subdivision Section 23, Township 113 North, Range 52 West of the 5th Prime Meridian, Hamlin County, South Dakota. Motion by Pantzke, second by Prouty to approve a 10' variance to construct a house 20' from the Northeast Lake Drive right-of-way. Zoning Officer presented Staff Report; Applicant spoke on behalf of the project with brief description of topographical challenges on the lot; Wiarda opened public hearing; No public testimony was heard; Wiarda closed public hearing; Board discussion occurred; Muller read questions to establish findings of fact; Board Roll call vote on motion passed unanimously.

Variance Request – Vertex Construction on behalf of Charles Hoogendoorn. Property Description: Lot 53A of Nelson Beach in Government Lots 1 and 2, Section 14, Township 113 North, Range 52 West of the 5th Prime Meridian, Hamlin County, South Dakota (Estelline Township); & Lot 53A of lots 1A to 57A Addition to Nelson Beach, in Government Lots 1 and 2, Section 14, Township 113 North, Range 52 West of the 5th Prime Meridian, Hamlin County, South Dakota. Motion by Fedt, second by Schubloom to approve a 4' variance to construct a shed 4' from the north property line. Zoning Officer presented Staff Report; Applicant spoke on behalf of the project; Wiarda opened public hearing; Muller summarized a letter of opposition by adjoining property owners to the south of the property, Bruce and Catherine Bohms. Doug Moen is the adjoining property owner to the north and has no objections. Charles Hoogendoorn noted the original intent to construct the building 4' from the Bohms' backlot, but he made the shed smaller to meet the setbacks based on previous reservations expressed by the Bohms'. It is also the intent to have not more than a 6" overhang. Wiarda closed public hearing.; Board discussion occurred regarding the intent to require the 8' setback in this case; Muller read questions to establish findings of fact; Board Roll call vote on motion. Motion fails 0 yes, 7 no.

Old Business: Point of Clarification – Fred Prah. Property Description: : Lot 16 of Grape’s Subdivision Located in Government Lot 1 of Section 21, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota. Mr. Prah seeks to clarify whether the Board intended to require a sand trap/grease trap for as a condition of approval of his conditional use permit on July 31. Motion by Pantzke, who voted on the prevailing side at the July 31 Meeting, to reconsider the conditions placed on the permit issued to Mr. Prah, second by Noem. Motion passed unanimously. Pantzke noted the Board was unaware that the buildings would not have water hooked up when assigning conditions. Motion by Schubloom, Second by Fedt to remove condition number 5, “The applicant shall install a sand and grease trap for the building to collect for all units.” Motion passed unanimously.

There were no items for the open or staff report.

With no further business, motion by Schubloom, Second by Fedt to adjourn the Hamlin County Board of Adjustment meeting. Board voice vote on motion passed unanimously. Meeting adjourned at 7:50.

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.