

## **Hamlin County Board of Adjustment - DRAFT**

Date transcribed: February 24, 2026

The Hamlin County Board of Adjustment met on February 23, 2026, at the Hamlin County 4-H Building in Hayti, SD. Board Members present were Robbie Fedt, Martin Prouty, Scott Popham, Stuart Schubloom, Alex Holzwarth, Jesse Saathoff. Tarte: Riley Buck. Also present: Zoning Officers Luke Muller and Carla Heuer, First District Association of Local Governments' Executive Director Todd Kays, and State's Attorney John Delzer. Applicant/Public in attendance: Reed Mahlke, Brian Calleson, Lance Latini, Stephanie Grey, Brian Hanson, Dan Nefzger, Robin Nefzger, Richard Wiarda, and Luke Muller

Vice Chair Schubloom called the Board of Adjustment meeting to order at 1:01 P.M. Heuer confirmed all board members present.

Public comment – No one from the public asked to participate in a non-agendized open item.

Ex Parte communication or conflict of interest – None cited.

Motion by Fedt, Second by Prouty to approve the Board of Adjustment Agenda. Voice call vote. Motion CARRIED (6-0).

Motion by Popham, Second by Holzwarth to approve December 22, 2025, Board of Adjustment Minutes. Voice call vote. Motion CARRIED (6-0).

New Business:

For the record, Board Member Riley Buck arrived at the meeting at 1:05 P.M. Todd Kays introduced Carla Heuer as the new acting Hamlin County Zoning Office.

Appeal of the Decision of the Zoning Officer - application from Alan & Stephanie Grey for property legally described as Lot 14A and 15A of Stone Bridge Resort Addition in Government Lots 1 and 2, Section 15, Township 113 North, Range 52 West of the 5th Prime Meridian, Hamlin County, South Dakota.

State's Attorney John Delzer explained the appeal process to the board. Executive Director Kays stated that he would be acting as parliamentary support to the Chair during the hearing. Motion by Fedt, Second by Prouty to overturn the decision of the zoning office that the Grey's lot boundary shared with the SD HWY 28 right-of-way meets the definition of a "Front Yard" as described in Section 5.06.02.3 [Additional Yard Requirements] and defined in [Article II Definitions] Section 435. Yard, Front. Applicant's Representative, Reed Mahlke, provided appellant testimony. Mahlke stated that the applicants were unaware their contractor was building their structure out of compliance with the ordinance. He also said that he was not going to reiterate what was listed in the staff report or in the appeal but was available for questions. Zoning Officer, Luke Muller was asked to describe how the determination was made. Muller highlighted the information listed in the staff report and referenced the supporting documents. Muller stated that former Hamlin County Zoning Officer, Jessica Tesch, was the staff member that made the original determination. There were no questions and no discussion from the Board.

Roll was called. Motion DEFEATED (0-7). Findings from the Board: The Board found that the Zoning Officer's interpretation of the applicable zoning regulations regarding "Additional Yard Requirements

and “Definitions”, as contained in the Staff Report, was correct. Further, the Board found that the structure was not built in compliance with the definitions or regulations of the ordinance, nor was the structure built in conformance with the county approved building permit issued on March 10, 2025.

Front Yard Setback Variance - application from Alan & Stephanie Grey for property legally described as Lot 14A and 15A of Stone Bridge Resort Addition in Government Lots 1 and 2, Section 15, Township 113 North, Range 52 West of the 5th Prime Meridian, Hamlin County, South Dakota requesting a

1. Fifteen-foot (15') Variance to the (SD HWY 28) Front Yard Setback, and
2. Twenty-foot (20') Variance to (North Lake Drive) Front Yard Setback

Motion by Prouty, Second by Holzwarth to approve a fifteen-foot (15') Variance to the (SD HWY 28) Front Yard Setback. Muller presented the staff report for both variance requests. Schubloom opened the public hearing stating that it would be for both items. Mahlke spoke on behalf of the application; no additional public testimony was given. Shubloom closed the public hearing. Board discussion was heard. It was noted that the South Dakota Department of Transportation signed off on the variance to South Dakota Highway 28, provided nothing was stored within the right of way and stating no access to the right of way would be granted. The Estelline Township does not support the variance to North Lake Drive. Muller read questions to establish findings of fact. Roll was called. Voting in Favor of: Holzwarth. Voting Against: Schubloom, Popham, Buck, Saathoff, Fedt, Prouty. Motion DEFEATED (6-1).

Motion by Popham, Second by Fedt to approve a twenty-foot (20') Variance to the (North Lake Drive) Front Yard Setback. Having already heard the staff report and public testimony, Muller read questions to establish findings of fact. Roll was called. Motion DEFEATED (7-0).

Conditional Use – application from Lance Latini for property legally described as The East 430 Feet of the West 1071 Feet of the North 380 Feet of the Northwest Quarter of Section 24, Township 115 North, Range 54 West of the 5th P.M., Hamlin County, South Dakota, requesting the allowance of Seed Sales, Fertilizer and Chemical Storage and Sales.

Muller introduced the conditional use request. Motion by Holzwarth, Second by Fedt to approve the conditional use for Seed Sales, Fertilizer and Chemical Storage and Sales with conditions identified in the Staff Report. Muller presented the staff report. Schubloom opened the public hearing. Applicant, Lance Latini spoke on behalf of the application. Additional testimony from adjacent property owners in favor of the request was presented by Holzwarth. Schubloom closed the public hearing. There were no questions and no discussion from the Board. Muller read questions to establish findings of fact. Roll was called. Motion CARRIED (7-0).

Old Business:

No old business.

Open:

No items were scheduled.

With no further business, motion by Popham, Second by Fedt to adjourn the Hamlin County Board of Adjustment meeting. Voice call vote. Motion CARRIED (7-0). Meeting adjourned at 2:18 P.M.

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.