

**HAMLIN COUNTY
APPEAL APPLICATION**

APPELLANT (PRINT): Stephanie Grey, Alan Grey

PHONE: 605-941-1953

ADDRESS: 158 N. Lake Dr., Castlewood, SD 57223

LEGAL DESCRIPTION, if applicable (PLEASE PRINT OR TYPE)

Stone Bridge Resort: Lots 14, 14A, 15 & 15A of Section 15, Township 113 North, Range 52 West of the 5th PM, Hamlin County, SD

SPECIFICS OF DECISION BEING APPEALED: See enclosed letter for summary of issues. In short, the issues are: (1) the structure at issue is permitted to have 16-foot sidewalls based on neighbor's consent, (2) the structure does not have a "dwelling unit," (3) an eight-foot setoff applies to the area adjacent to SD Highway 28, (4) similarly situated nearby properties have structures similar in dimension, appearance, and setback.

APPLICABLE ORDINANCE SECTION: See enclosed letter. In short, Ordinance 3.07.11, Section 264, Section 3.07.10.

LIST OF EXHIBITS IN SUPPORT OF APPEAL (attach exhibits to application):

See enclosed letter. Exhibit A: Hamlin County Zoning Office Notice dated December 16, 2025; Exhibit B: Adjoining landowner signatures;

Exhibit C: Photographs of similarly situated properties.

SIGNATURE OF APPELLANT: Stephanie Grey (also see enclosed letter) **DATE:** 1.6.25

FOR OFFICIAL USE ONLY

DATE FILED WITH ZONING OFFICE _____

FEE PAID (NON-REFUNDABLE) _____

DATE OF HEARING _____

ACTION BY BOARD OF ADJUSTMENT: (YES) (NO)

EFFECTIVE DATE: _____

January 6, 2026

Re: Notice of Appeal

To the Hamlin County Board of Adjustment:

On December 16, 2025, the Hamlin County Zoning Office sent the notice enclosed hereto as **Exhibit A** to Alan and Stephanie Grey. The notice comprises the Hamlin County Zoning Office's determination that the structure located on the back lot of the property described as:

Stone Bridge Resort: Lots 14, 14A, 15 & 15A of Section 15, Township 113
North, Range 52 West of the 5th PM, Hamlin County, SD,

does not comply with the Zoning Ordinance for Hamlin County (the "Ordinance") governing Lake Park District 1. Namely, the Notice states the structure is located within the minimum required setbacks from the road fronts of North Lake Drive and SD Highway 28 (Section 3.07.10), exceeds the permitted sidewall height of 12 feet (3.07.11), and contains a "dwelling unit" (Section 264). The Notice required the Greys to remove non-conforming portions of the structure or obtain proper consents by December 31, 2025. On December 31, 2025, the First District Association of Local Governments, on behalf of the Hamlin County Zoning Office, granted an extension to January 30, 2026, to submit a plan for the structure to comply with the Ordinance.

Under Section 4.03.02 of the Ordinance and SDCL § 11-2-55, the Greys appeal the Zoning Office's determinations of the following issues:

1. The Greys' neighbors assented to 16-foot sidewalls.

Under Ordinance 3.07.11 and Table 3.07.11.1 within it, the Grey's structure is permitted to have sidewall heights of up to 16 feet if they obtain "adjoining landowner signature[s]." Enclosed as **Exhibit B** are the signatures of the adjoining landowners, assenting to 16-foot sidewalls for the structure. Accordingly, the Grey's structure complies with 3.07.11 because they obtained consent for 16-foot sidewalls from their neighbors.

2. The structure does not contain a "dwelling unit."

Therefore, the December 16, 2025, notice orders "removing the dwelling unit." Under Section 264, a "dwelling unit" is defined as:

"One room, or rooms, connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities."

The structure on the Grey's backlot is not a "dwelling unit" as defined by the Ordinance. The structure consists of a garage and a finished loft area. It does not constitute a "housekeeping establishment," as it is not intended, or used, for owner occupancy, rental, or lease. Additionally, it does not contain a kitchen or "sleeping facilities," as required by the statute. Accordingly, the Grey's structure does not contain a "dwelling unit."

3. An eight-foot setback applies to the area adjacent to SD Highway 28; the Greys will comply with similarly situated properties.

The Notice states that the structure must be located "thirty (30) feet from the North Lake Drive right-of-way" and "thirty (30) feet from the SD HWY 28 right-of-way." The Notice states a reduced setback of 25 feet applies "only with consent of adjoining landowners and proper road authority."

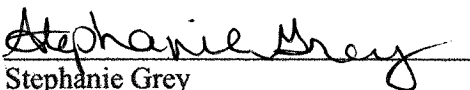
The Greys appeal the Zoning Officer's determination that a 30-foot setback applies to the SD HWY 28 right-of-way. Under Ordinance 3.07.10(9), the rear yard back lot setback is eight feet.

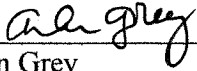
Next, without prejudice to their rights in these proceedings or further proceedings as necessary, the Greys observe that other nearby structures are substantially similar to the structure at issue in this appeal in dimension, appearance, and setback from North Lake Drive and SD HWY 28. Photographs of two examples of such structures are attached as **Exhibit C**. The Greys will obtain all consents and take all steps necessary to comply with the Hamlin County Zoning Office and Board of Adjustment requirements as such similarly situated properties. *See, e.g., Village of Willowbrook v. Olech*, 528 U.S. 562, 564-65 (2000) (recognizing 14th Amendment Equal Protection claim for differential application of zoning authority's easement requirements).

Conclusion

Therefore, the Greys submit the foregoing appeal of the Zoning Office's determinations about the structure's sidewall heights, the presence of a "dwelling unit" within the structure, and setbacks. Conversely, the Greys also wish to obtain all consents, guidance, variances, and any other necessary permissions to conform to the Ordinance, especially considering the structure's likeness to similarly situated nearby structures. During the pendency of this appeal, the Greys will work to obtain compliance and agree to work with Hamlin County, the Zoning Office, and the Board of Adjustment to do so. Prairie Grass Construction, the contractor who built the structure, is also authorized to address any questions about the appeal and related issues. Please contact us if you wish to discuss this matter.

Respectfully submitted,


Stephanie Grey
6325 S. Wicklow Ave.
Sioux Falls, SD 57108



Alan Grey
6325 S. Wicklow Ave.
Sioux Falls, SD 57108

Jordan Bonestroo
Prairie Grass Construction
504 N. Willow Creek Ave.
Sioux Falls, SD 57110
On behalf of Prairie Grass Construction

Alan Grey
6325 S. Wicklow Ave.
Sioux Falls, SD 57108


Jordan Bonestroo

Prairie Grass Construction
504 N. Willow Creek Ave.
Sioux Falls, SD 57110
On behalf of Prairie Grass Construction

HAMLIN COUNTY ZONING OFFICE
P.O. Box 237
Hayti, SD 57241

605-882-5115

December 16, 2025

Alan & Stephanie Grey
6325 S Wicklow Ave
Sioux Falls, SD 57108

Dear Mr. and Mrs. Grey,

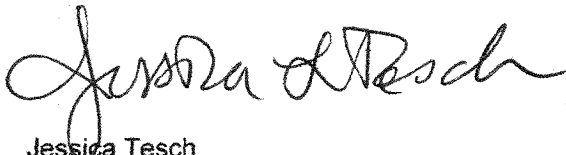
It has come to the attention of the zoning officer that the dimensions and location of the accessory structure built on your property (back lot) described as: Stone Bridge Resort: Lots 14, 14A, 15 & 15A of Section 15, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota, were misrepresented in your application for building permit (2025-37). Specifically, the dimensions of the structure are greater than 10 feet x 30 feet and the sidewalls are greater than the 12 feet in height. Building Permit 2025-37 was approved solely on the basis of the plans represented in your building permit application which included an affidavit to construct in accordance with the plans submitted (attached). Back lot accessory structures may have a sidewall height greater than 12 feet in height and have a reduced setback of 25' only with consent of adjoining land owners and proper road authority. Consent of adjoining landowners and road authority was not provided with the building permit application for the height nor setback.

Therefore, it is my duty as Hamlin County Zoning Officer to order you to comply with the Hamlin County Zoning Ordinance by removing any portion of the accessory structure permitted with building permit number 2025-37 that is located less than thirty (30) feet from the North Lake Drive right-of-way and any portion less than thirty (30) feet from the SD HWY 28 right-of-way. As mentioned above setbacks may be decreased to twenty-five (25) feet and your current sidewall height may be allowed with proper consent. Submit a plan for the removal of the structure and/ or bringing it into compliance by December 31, 2025. The plans need to include the following steps to be completed before June 1, 2026:

- **Decreasing the sidewall height (if proper consent is not obtained); and**
- **Removing any portion of the structure that does not meet the required setback; and**
- **Removing the dwelling unit**

You may contact me with any questions Mondays or Thursdays from 8:00am to 5:00 pm at (605) 882-5115 or jessica@1stdistrict.org.

Sincerely,



Jessica Tesch
Hamlin County Zoning Officer

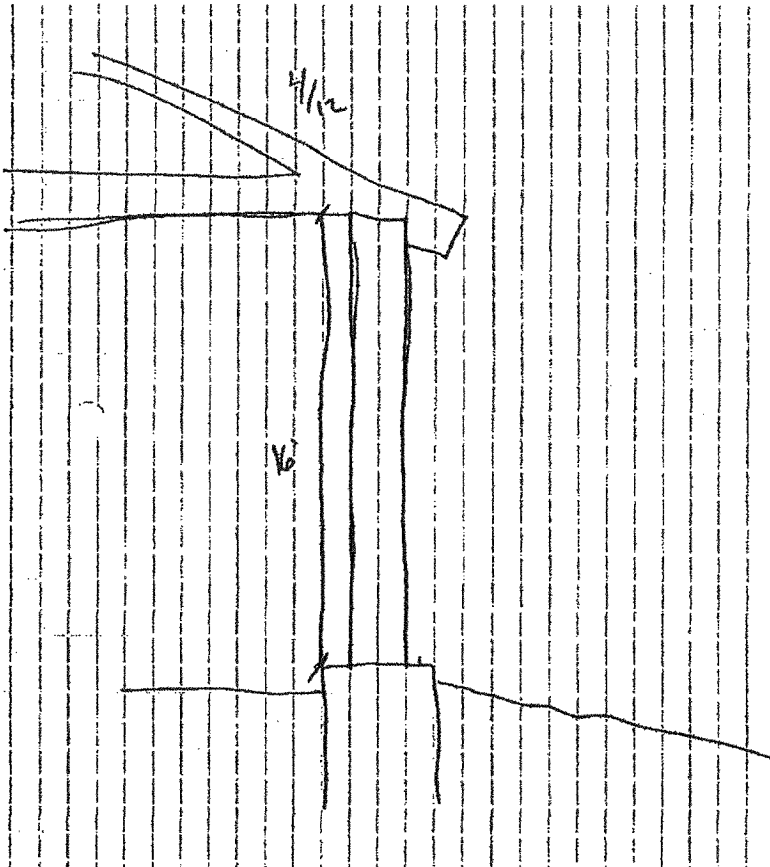
Enclosures: Building permit Application with notes(BP 2025-37)
Photo of Structure dated October 1, 2025

cc: John Delzer, Hamlin County State's Attorney;
Prairie Grass Construction
504 N Willow Creek Ave
Sioux Falls, SD 57110

EXHIBIT A

WAIVER FOR UNATTACHED GARAGE WITH HEIGHT OVER 12'

Indicate building proposed structure (include dimensions & height). Must show location, structure, and setback distances. Failure to provide all information may result in delaying or denying your permit.



Brian Hanson or Cherri Olson
Signature of Adjoining Landowner

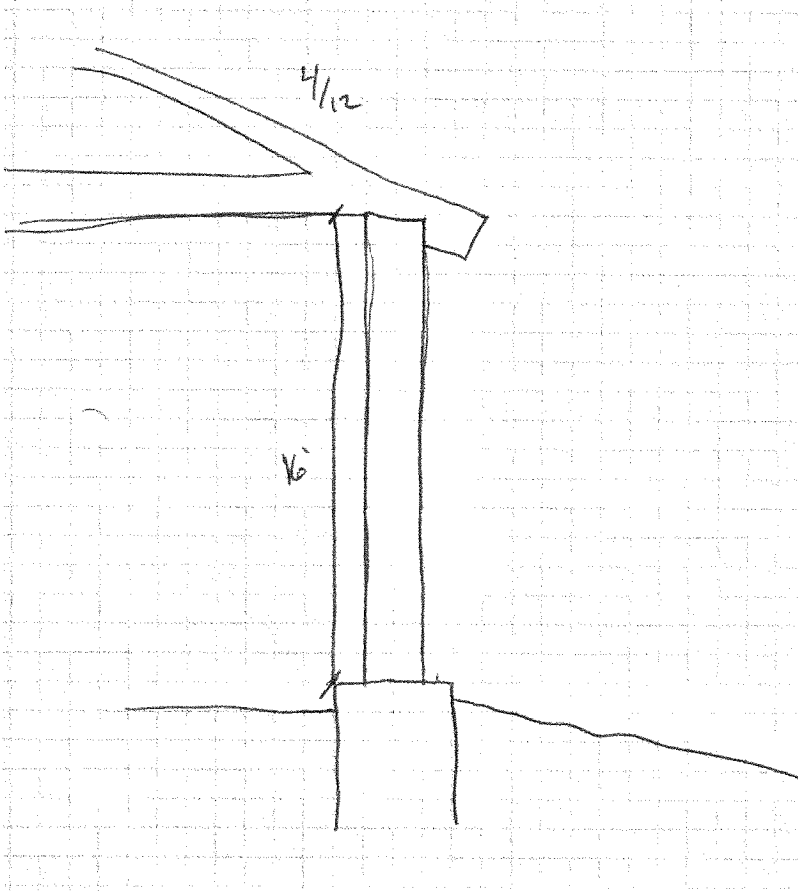
x Cherri Hanson Brian Hanson

Craig or Patricia Brooks x
Signature of Adjoining Landowner

EXHIBIT B

WAIVER FOR UNATTACHED GARAGE WITH HEIGHT OVER 12'

Indicate building proposed structure (include dimensions & height). Must show location, structure, and setback distances. Failure to provide all information may result in delaying or denying your permit.



Brian Hanson or Cherri Olson

x

Signature of Adjoining Landowner

Craig or Patricia Brooks

x

Signature of Adjoining Landowner

Craig A Brooks

EXHIBIT B



EXHIBIT C



EXHIBIT C



EXHIBIT C