

**MAY 2026  
CLARK COUNTY  
BOARD OF ADJUSTMENT  
PLANNING COMMISSION/COUNTY COMMISSION  
STAFF REPORT**

**TUESDAY – MAY 19, 2025 – 9:00 a.m.**

**CLARK COUNTY BOARD OF ADJUSTMENT**

**ISSUE #1 VARIANCE**

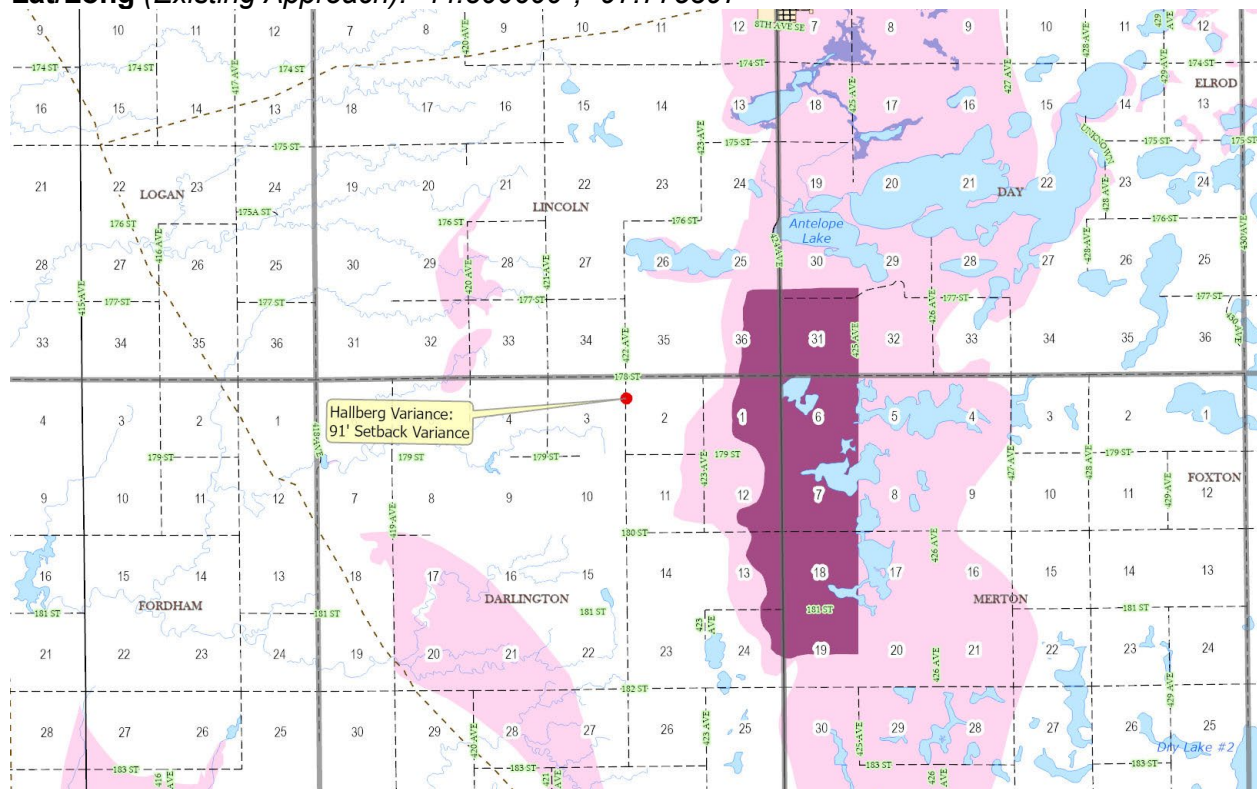
**Applicant/Owner: Thomas Hallberg**

**Property Description:**

- the Northwest Quarter of Section 2, Township 117 North, Range 57 West of the 5th P.M. (Darlington), Clark County, South Dakota.

**Request:** The applicant requests a ninety-one (91) foot variance from the 422nd Avenue Right-of-way to replace a structure nine (9) feet from the right-of-way.

**Lat/Long (Existing Approach):** 44.800600°; -97.775397°



**Action Item – Variance – 89' Front Yard Setback Variance (2.04.05.2)**

**Zoning Designation: Agricultural**

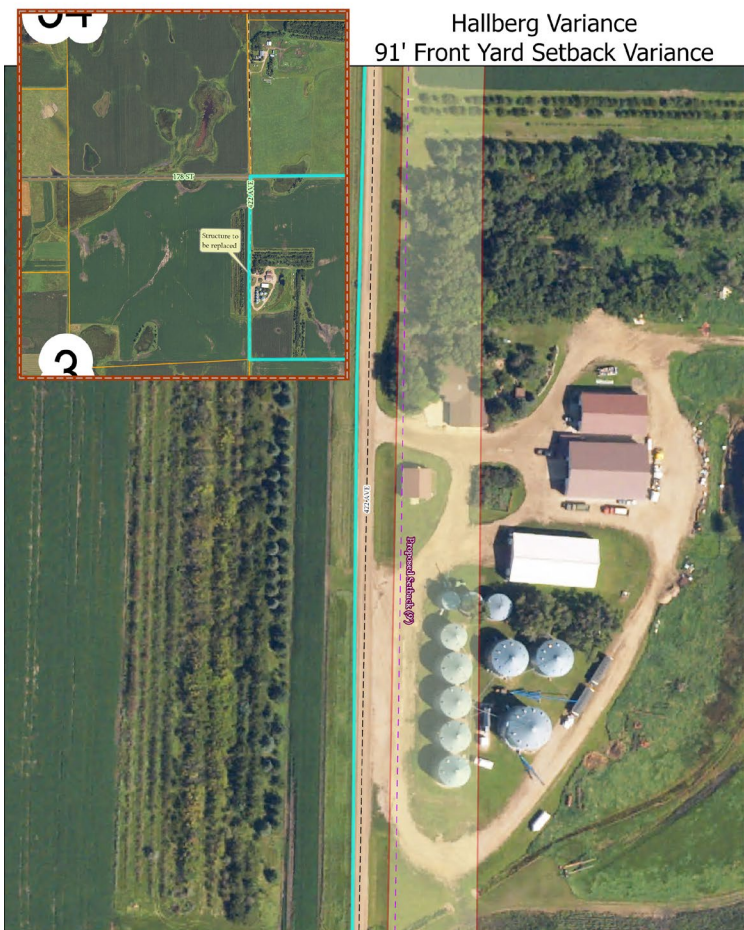
**History/Issue(s):**

**Specifics of Property/Request:**

1. Mr. Hallberg owns and lives at the above legally described property.
2. An existing (approximately 32' x 32') shed is located 9' feet from the 422<sup>nd</sup> Ave right-of-way. Mr. Hallberg seeks to replace that building in the present location.
3. The applicant has submitted consent from Darlington Township in support of the replacement
4. The farmyard is confined to the area west of a pothole/drainage area that drops more than 7' below the elevation of the yard where the buildings sit. The orientation of existing structure would make it difficult to place an accessory structure in a practical location within the yard without the variance.

Ordinance and Comprehensive Land Use Plan regarding this request:

1. The zoning ordinance requires a 100' setback from the right of way.
2. The Board has granted all variances since 2019, where the road authority has submitted it's consent/support of the front yard variance request. (This is the closest structure requested since then.)
3. This is also the first request to replace a standing structure (additions have been permitted in which portions of a structure were replaced.



Staff Recommendation:

**Staff Recommendation – 91’ Variance: Minimum required front yard setback ((to allow) 9’ Front Yard Setback (422<sup>nd</sup> Avenue);** The Board may approve, deny, or postpone the request.

- The request could only be approved based upon:
  - a. Consent from the Highway Authority.
  - b. The slope and drainageway confine the building site to the present area.
  - c. The application and testimony demonstrated unique hardship, and approval of the variance will not be contrary to the public interest if the following condition is applied:
    - 1) The variance applies only to the “island” in which the present structure sits, and is not to imply that the variance extends beyond that area for other structures in the future.
- The request could be denied on the basis that there is no hardship unique to this property that is not a result of actions of this or previous property owners.
  - a. The size and shape of the lot is not so unique to necessitate the requested variance.
  - b. Adequate space for a shed exists on the lot if trees were removed or driveways were reconfigured.
  - c. The presence of nonconforming or noncompliant buildings should not be used as justification for granting variances.
  - d. Therefore the literal interpretation of this rule does not deprive the applicant of rights commonly enjoyed by other properties in this district.