

**Hamlin County Board of Adjustment Staff Report
Monday May 18, 2026, 7:00 PM**

Item A: Variance

Applicant/Owner: Stephanie and Alan Grey

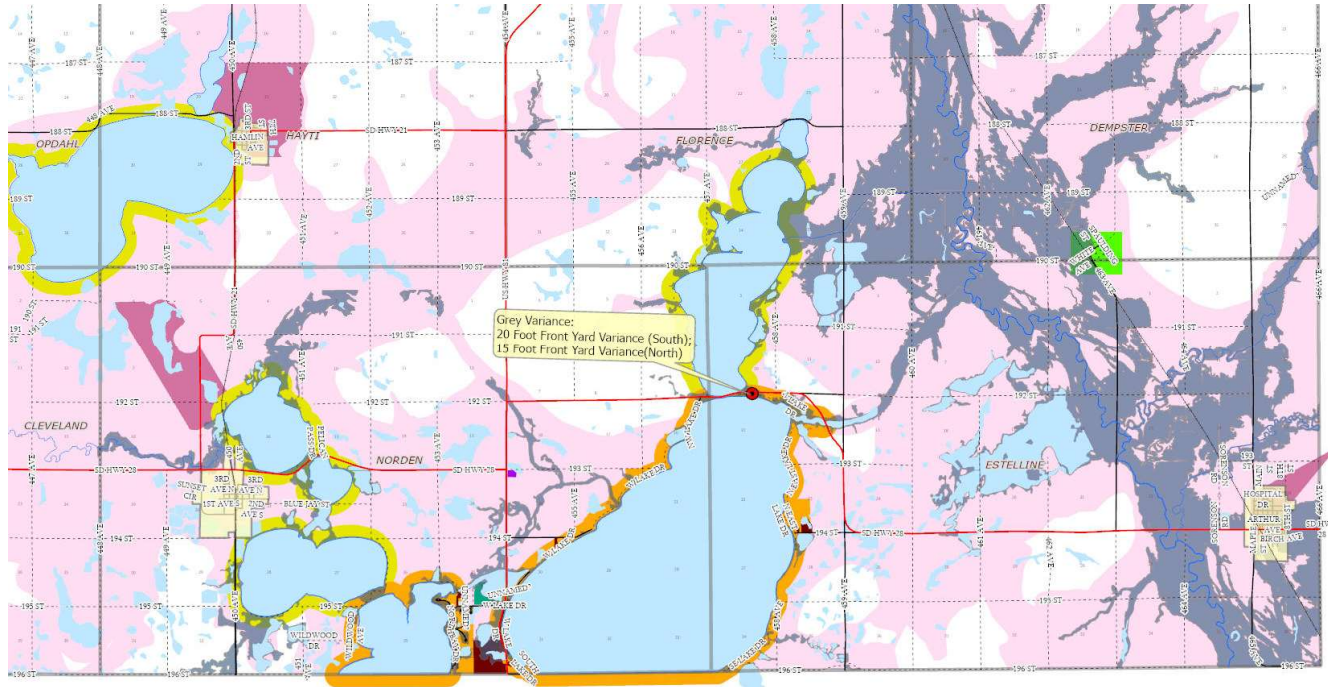
Property Description: Lot 14A and 15A of Stone Bridge Resort Addition in Government Lots 1 and 2, Section 15, Township 113 North, Range 52 West of the 5th Prime Meridian, Hamlin County, South Dakota (Estelline Township).

Zoning Designation: LP-1

Request: The applicant seeks to construct a shed 14.3' from the SD HWY 28 Right-of-way.

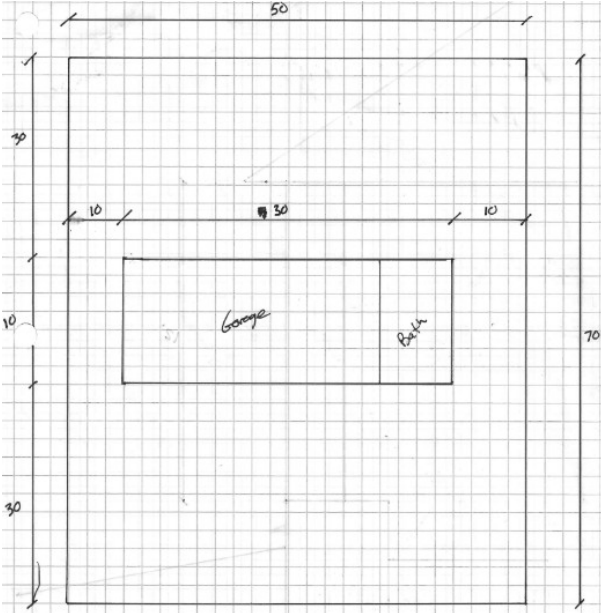
Action Item – Variance – Section 3.07.10 – 15.7' Variance to (SD HWY 28) Front Yard Setback

Location:



Specifics of Property/Request (*Items in italic come from February 23, 2026, Staff Report*)

1. The Grey's own the above described back lots (Lots 14A & 15A).
 - a. These back lots constitute a single nonconforming lot of record (60' x 70') which may not be split.
2. The Grey's were granted a building permit (#2025-37) for a 10' x 30' shed with bathroom, and 12' sidewalls to be located 30' from the SD HWY 28 Right-of-way and 30' North Lake Drive Right-of-way. See below (Left):



3. The Grey's constructed a structure with 16' sidewalls and approximately 40' x 30'. The structure was found out of compliance with size limitations and setback requirements by the Zoning Officer.

4. The Grey's appealed the Zoning Officer's determination and requested two front yard variances at the February 23, 2026, Board of Adjustment Meeting. The variance requests were to allow for setbacks of 10' from SD HWY 28 and 10' from North Lake Drive. Staff received multiple drawings associated with this application. These setbacks were based on a survey received with the original application (submitted 11/11/24), prior to decreasing in size to meet requirements of ordinance (3/6/25).

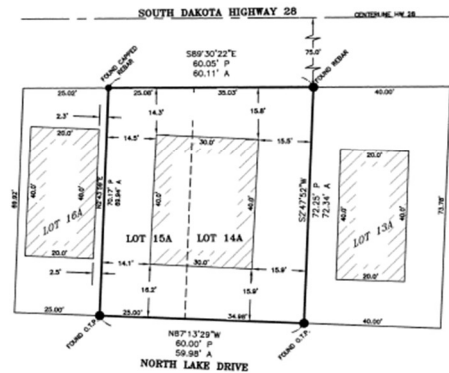
5. After construction Grey's obtained a Special Permitted Use Permit to allow the 16' Sidewalls.
6. The Grey's were denied the appeal and both variance requests at the February 23, 2026, Board of Adjustment Meeting. The Grey's were given until March 31, 2026, to submit a plan to bring the property into compliance with the zoning ordinance.
7. Grey's proposed plan is to obtain a Special Permitted Use Permit for a 25' Front Yard Setback from North Lake Drive. This request will require that the 10' south feet and second-story deck be removed from the garage. Along with the Special Permitted Use Permit, Grey's are requesting a variance to allow for the garage to maintain its current setback off the north property line.

- a. HWY 28 right-of-way is 75' from the center of the highway.
- b. South Dakota DOT's consent to decrease setbacks to allow for the present location of the shed in relation to the right-of-way, but right-of-way but declined to allow it any closer.

Project No. SD251063 Location 158 N LAKE DRIVE, CASTLEWOOD
LAND SURVEYOR'S CERTIFICATE

Surveyor's Certification:
 I hereby certify that this plat, map, survey, or report was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of South Dakota.

Legal Description:
 LOTS 14A AND 15A, STON BRIDGE RESORT ADDITION, HAMLIN COUNTY, SOUTH DAKOTA.



Legend:
 P - PLAT DISTANCE
 A - ACTUAL DISTANCE
 R - RECORDED DISTANCE
 C - CALCULATED DISTANCE
 C.T.P. - CRIMPED TOP PIPE
 O.T.P. - OPEN TOP PIPE
 S.O.M. - STAR DRILL HOLE
 "X" - CHISELED "X" IN CONCRETE
 ● - FOUND SURVEY POINT
 ○ - SET SURVEY POINT

Date: 3/17/26

**EHRHART
 GRIFFIN &
 ASSOCIATES**

ENGINEERING PLANNING LAND SURVEYING
 300 N. Dakota, Ste. 114 • Sioux Falls, SD 57104 • 605 / 339-7215



Ordinance/Board History regarding this request: *(Items in italic come from February 23, 2026 Staff Report)*

1. *The variance is requested on a nonconforming lot of record. Nonconforming lots of record may be constructed upon provided:*
 - a. *They are not decreased in size; and*
 - b. *Setbacks can be met.*
2. *Front Yard Setbacks are established, in part, to ensure that normal maneuvers such as entering and exiting accessory structures may be accomplished entirely on private property.*
3. *Not including corner lots, over 60 lots in the Lake Park District front both Arterial (SD HWY 28) and collector streets (North Lake Drive).*
4. *The Hamlin County Board of Adjustment HAD a history of granting variances to front, side, and rear yard setbacks on back lots prior to the adoption of Ordinance 2022-03.*
 - a. *After extensive public meetings, as requested by the Lake Poinsett Association, Ordinance 2022-03 was adopted to incorporate requests of lake owners to enforce established rules.*
 - b. *Setbacks were allowed to be decreased to 25' from the right-of-way if written consent was obtained from the road authority as a "Special Permitted Use."*
 - c. *Any structures granted prior to the establishment of the rule allowing setbacks to be decreased by 5' with consent from the road authority would be considered nonconforming. If removed, those structures would require permission from the road authority to be replaced, or variance to be reconstructed less than 25' from right-of-way.*
5. *According to Section 4.04.02.5.a.vii of the zoning ordinance, **nonconforming** structures may not be used as a basis of granting variance.*
6. *Thus, according to Section 4.04.02.10 "Under no circumstances shall the County Board of Adjustment grant a variance to allow a use not permissible under the terms of this regulation in the district involved, or any use expressly or by implication prohibited by the terms of this regulation in said district."*
7. *From Madison vs Clarke (1980) to Dunham vs Lake [County] (2025) the SD Supreme Court has insisted that an applicant must show that "special conditions" exist under which "a literal enforcement" would cause "unnecessary hardship;" and granting of the variance will not be contrary to the public interest.*
 - a. *With SPU from both north and south property lines the buildable area of the lot is 44' (east and west) x 20' (north and south) (20.9% of total lot area).*
 - b. *If the present building had 10' removed from the south allowing for SPU to be granted; and the proposed variance (requested here) were granted by the Board 21.4% of the lot would be covered by the (modified) present building.*
 - c. *The applicant contends that the dimensions allowed without variance would require the shed to be uniquely small (narrow) in comparison to other backlot sheds in the same area (district).*

Staff Summary

A vote "yes" to approve the variance allows the shed to be 14.3' off South Dakota HWY 28 and 25' feet from North Lake Drive. Ten feet of the structure, and the second story deck facing North Lake Drive are required to be removed. A vote "no" denies the variance. For the shed to remain, ten feet of the structure and the second story deck facing North Lake Drive will be removed and approximately 10' of the structure facing SD HWY 28 will have to be removed.

Staff Recommendation – Variance: 15.7' variance to minimum required front yard setback (SD HWY 28);
The Board may approve, deny, or postpone the request.

- **If approved, it should be approved based upon:**

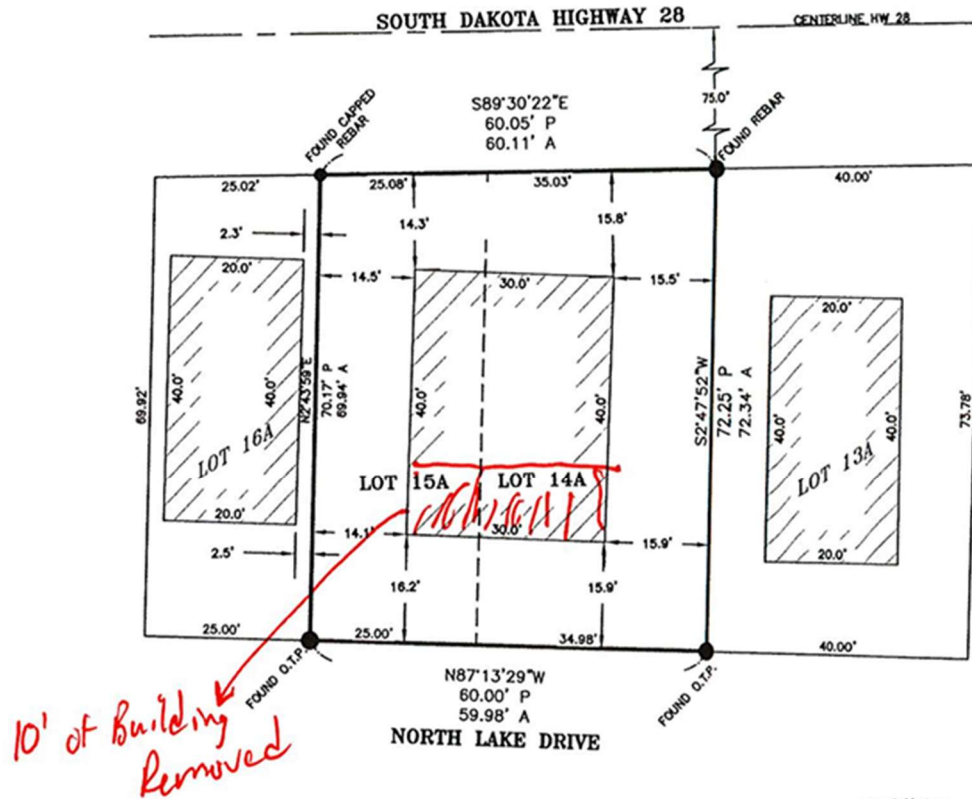
1. The unique size and shape of the lot in conjunction with the setbacks established by ordinance, even with relaxation of five (5) feet on both sides results in 79.9% of the backlot is covered by setbacks creates a unique hardship on this property.
2. If variance is granted, and the structure is modified to meet the SPU granted by the Township, the structure would cover 0.5% more of the lot than allowed without variance.
3. South Dakota DOT's consent to decrease setbacks with the site plan provided demonstrates that the SDDOT does not object to the location of the structure.
 - a. As the road authority, The South Dakota DOT will not grant access onto SD HWY 28.

- **If denied, it should be denied based upon:**

- a. Over 60 lots in the Lake Park Zoning District are through lots with frontage on both Collector and Arterial Streets. Therefore, there are no special conditions and circumstances which exist which are peculiar to the land, structure or building involved, and which are not applicable to other land, structures, or buildings in the same district.
- b. Nonconforming (neighboring) structures, granted permits prior to establishing present rules for decreasing setbacks, cannot be used as basis for granting variance.
- c. The applicant demonstrated that literal interpretation of the provisions of this ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district when they provided a site plan with (approved) building permit number 2025-37 indicating an accessory structure may be constructed on this back lot without even being granted Special Permitted Use.

- d. Financial disadvantage (cost in constructing a structure without a permit and removal/moving it) is not to be considered as an unnecessary hardship justifying variance.

NORTH
SCALE 1" = 20'



Hamlin County Planning Commission Staff Report
Monday April 27, 2026, 7:00 PM

Item No. 1 Plat

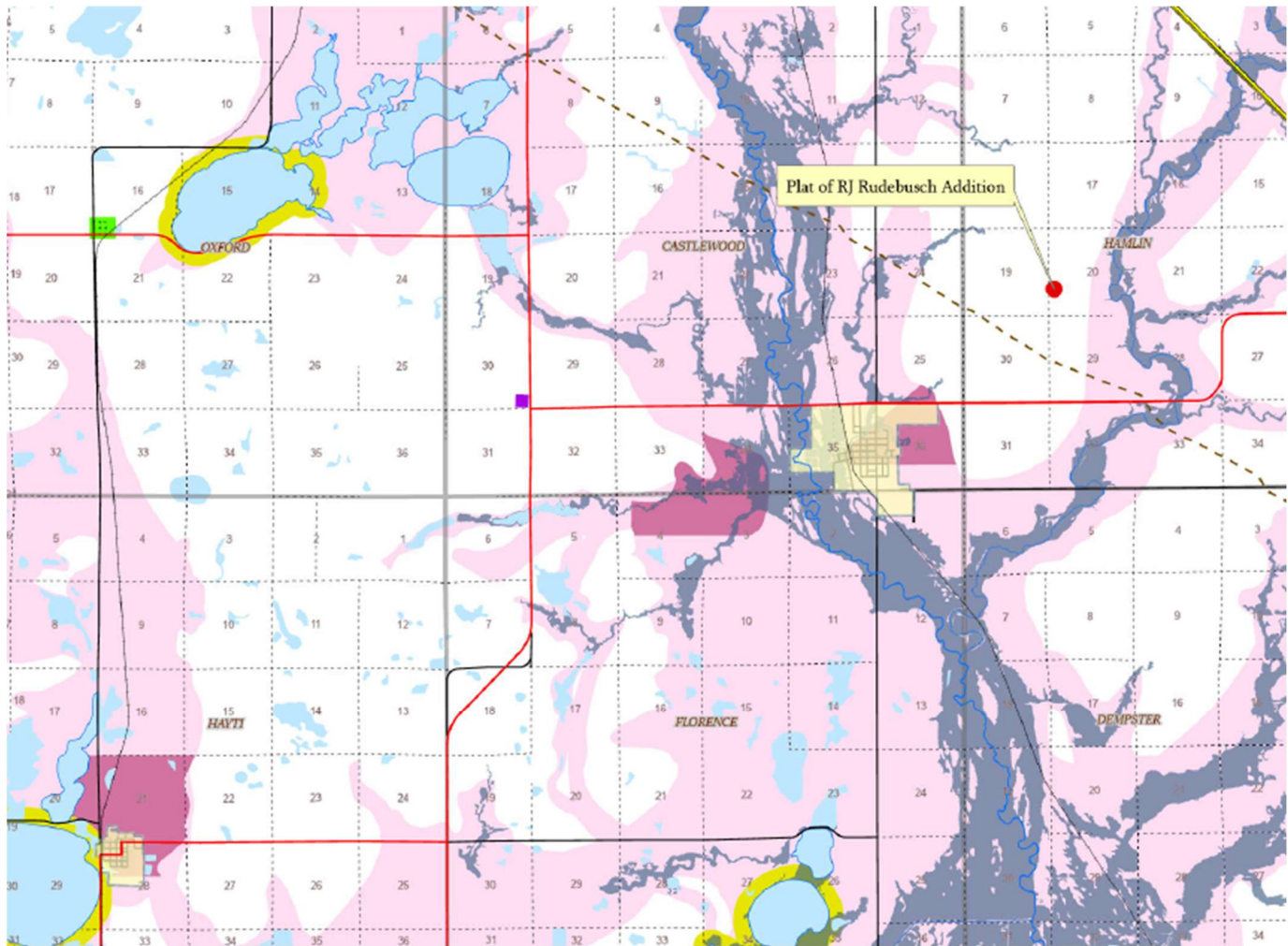
Applicant/Owner: Brandon Huppler (Surveyor) / Roger & Jeanette Rudebusch Living Trust

Property Description: Plat of RJ Rudebusch Addition located in the West ½ of the Southwest ¼ of Section 20, Township 115 N, Range 51 West of the 5th P.M., Hamlin County, South Dakota (Hamlin Township).

Action Item: Plat

Zoning Designation: AG Agricultural District

Location:

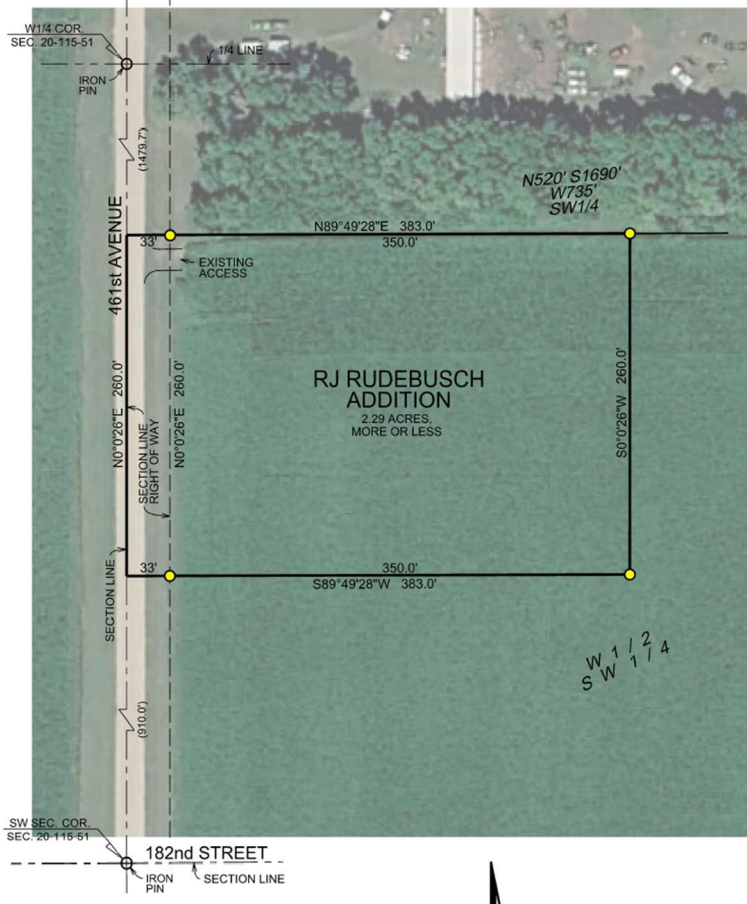


Specific of Property/ Request:

1. The applicant seeks to plat one (1) lot. The lot will be approximately 2.29 acres with 0.20 acres of that designated as section line right of way.
2. 3.04.06 Area Regulations – Agricultural District:

		<u>Proposed</u>
<u>Minimum Lot Size</u>	<u>2 Acres* **</u>	<u>2.29 Acres</u>
<u>Minimum Lot width</u>	<u>150 Feet**</u>	<u>260 Feet</u>

3. The property will have access to 461st Avenue. The road maintained by the County Highway Department.



Ordinance regarding this request:

1. Applicant meets the requirements for the approval of the plat.
2. This plat meets the requirements to skip the Concept Plan and Preliminary Plan process.

Staff Summary & Recommendation

The applicant has provided documentation of its ability to meet the requirements of the Subdivision 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.

Item No. 2 Plat

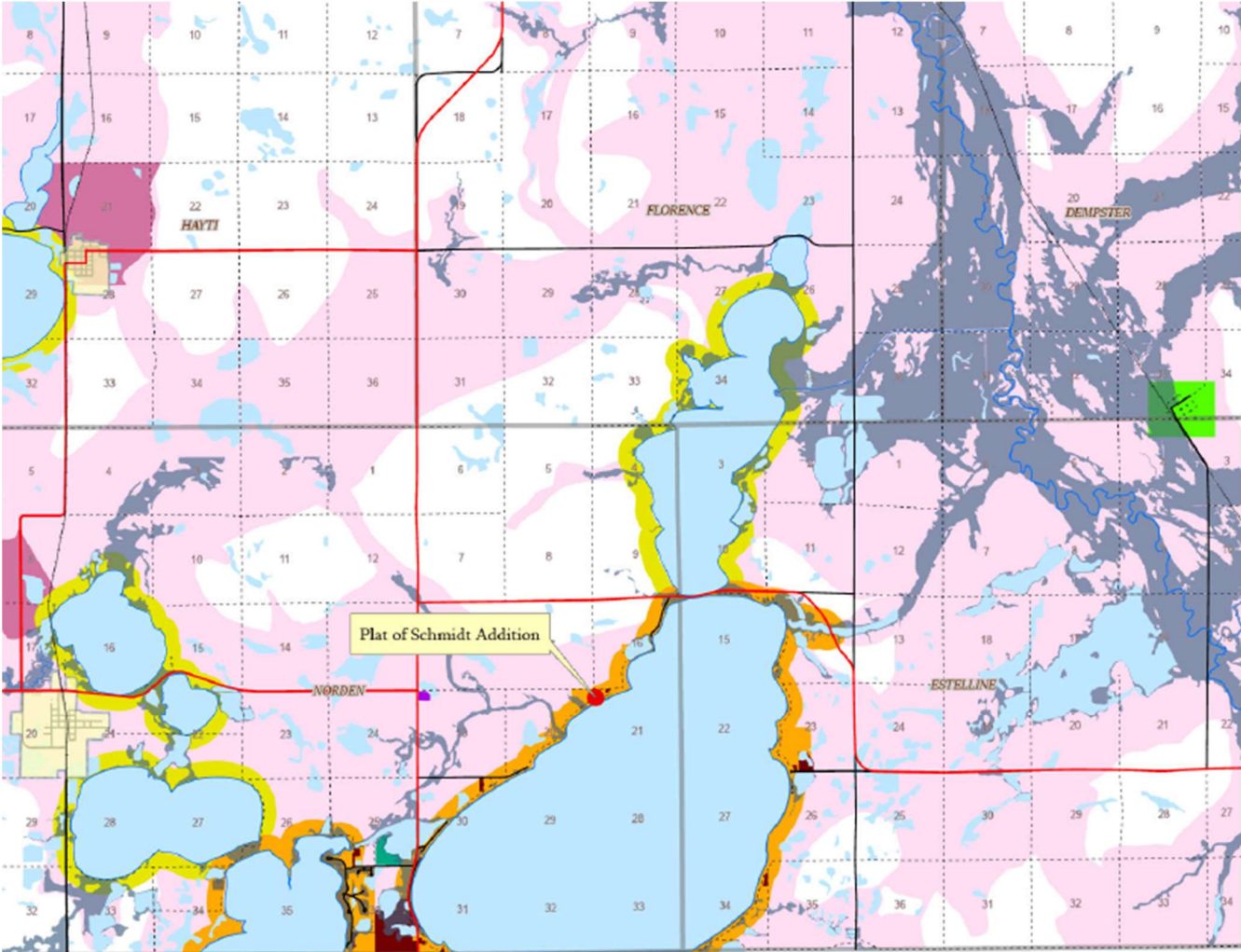
Applicant/Owner: Marty Mack (Surveyor) /Current Owner: Lila Grape (Robert Grape – Personal Representative) / Future Owner: Mark Schmidt

Property Description: Plat of Schmidt Addition located in Government Lot 1 of the Northwest ¼ of Section 21, Township 113 North, Range 52 West of the 5th P.M., Hamlin County, South Dakota (Norden Township).

Action Item: Plat

Zoning Designation: Lake Park District; Aquifer Protection Overlay District – Zone B

Location:

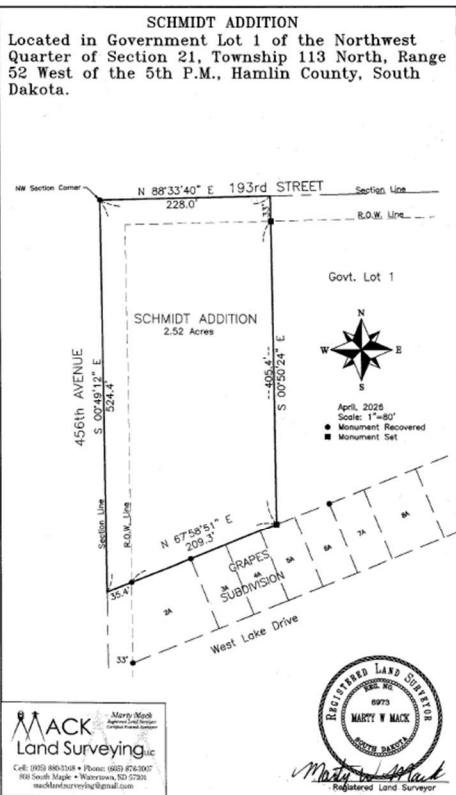


Specific of Property/ Request:

1. The applicant seeks to plat one (1) lot. The lot will be approximately 2.52 acres (109,771 SF) with 0.59 acres of that designated as section line right of way.
2. 3.07.10 Area Regulations – Lake-Park District:

	Minimum Lot Area	Minimum Lot Width	Proposed Lot Area	Proposed Width
Central Sewer/ Holding Tank/ Rural Water				
Single Family Dwelling	9,600 SF	75'	109,771 SF	228'/524.4'
Multiple Family Dwelling	10,000 SF	100'	109,771 SF	228'/524.4'
Rural Water/Septic Tank				
Single Family Dwelling	20,000 SF	75'	109,771 SF	228'/524.4'
Multiple Family Dwelling	Not allowed	Not allowed	Not allowed	Not allowed
Well/Septic Tank				
Single Family Dwelling	43,560 SF	75'	109,771 SF	228'/524.4'
Multiple Family Dwelling	Not allowed	Not allowed	Not allowed	Not allowed

3. The property will have access to 193rd Street or 456th Avenue. The roads are maintained by the Norden Township.



Ordinance regarding this request:

1. Applicant meets the requirements for the approval of the plat.
2. This plat meets the requirements to skip the Concept Plan and Preliminary Plan process.

Staff Summary & Recommendation

The applicant has provided documentation of its ability to meet the requirements of the Subdivision 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.