

Hamlin County Board of Adjustment Staff Report
Monday August 24, 2026, 7:00 PM

Item A: Eric and Stephanie Fritz – Front Yard Variance Request

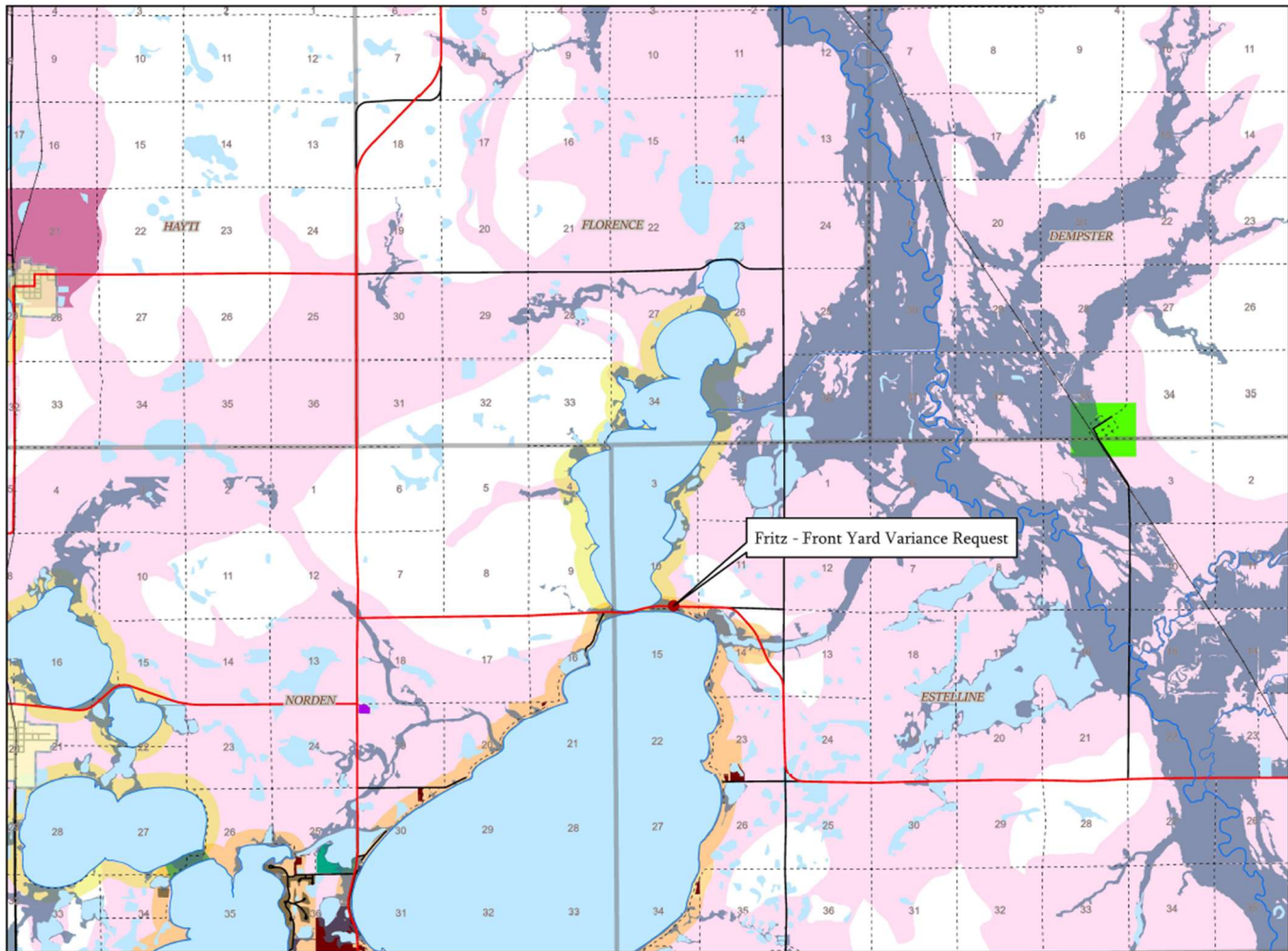
Applicant/Owner: Eric and Stephanie Fritz

Property Description: Lot 10A of Stone Bridge Resort Addition in Gov't Lots 4 & 5, Section 10 and 1 & 2 Section 15, Township 113 North, Range 52 West, of the 5th P.M., Hamlin County, South Dakota (Estelline Township).

Zoning Designation: “LP” Lake Park District

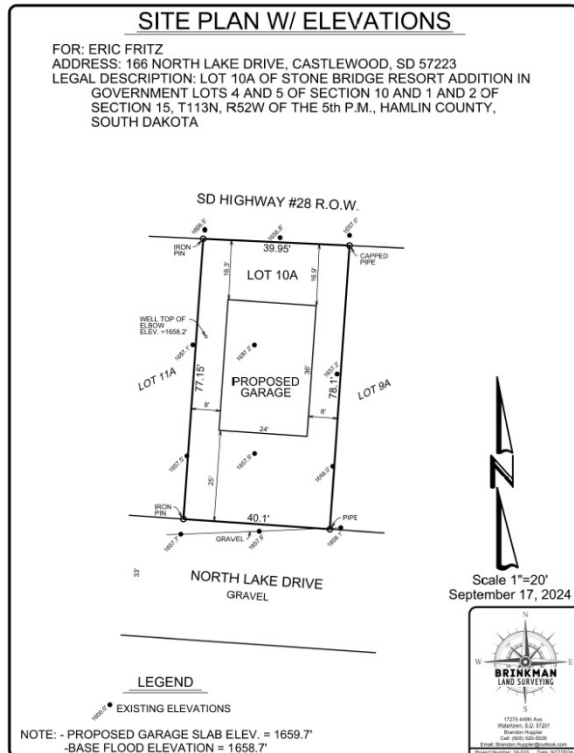
Request / Action Item: A Variance Request to Section 3.07.10.9 – Backlot Setbacks. The applicant is seeking a variance from the front yard setback requirement of thirty (30) feet. Requesting a setback of 16.3’ from the north property line (SD-HWY 28).

Location:



Specifics of Property/Request:

1. The applicant is seeking to construct a 24' x 36' unattached garage on their backlot located at Lake Poinsett.
2. The property has a double frontage – abutting North Lake Drive and SD Highway 28. This requires both the north and south property line to observe the thirty (30) foot front yard setback required in the Lake Park District.
 - a. Not including corner lots, over 60 lots in the Lake Park District front both Arterial (SD HWY 28) and collector streets (North Lake Drive).
3. Section 3.07.06 allows a reduced road-front setback as a Special Permitted Use (SPUP), subject to §3.07.10. Section 3.07.10(5) further provides that the minimum front-yard setback may be reduced from 30' to 25' as a Special Permitted Use, subject to adjoining property owner and road authority approval.
 - a. The applicants are proposing to utilize the Special Permitted Use Permit (SPUP) allowed in section 3.07.6.6 to reduce the setback from the North Lake Drive right-of-way to 25'.
 - b. Estelline Township, as the applicable road authority, has confirmed that it is comfortable signing the SPUP.
 - c. The applicant's existing driveway access is on North Lake Drive.
4. While the proposed structure can utilize the SPUP process to reduce the required setback from North Lake Drive from 30' to 25', the site plan shows the garage is proposed to be 16.3' to 16.9' from the SD Highway 28 right-of-way (north property line).
 - a. South Dakota Department of Transportation have stated they are comfortable with the variance request, pending feedback from their legal department.
 - b. The property does not have access onto SD Highway 28.
5. The SPUP provision allows a front-yard setback to be reduced to 25' but does not provide a mechanism to reduce the setback below 25'. Accordingly, the applicant is requesting a variance for the setback from the SD Highway 28 right-of-way.
 - a. The request is to allow a 13.7' reduction to the required 30' setback.
6. The proposed structure meets the other zoning dimension and height requirements.



Ordinance/Board History Regarding This Request

1. The variance is requested on a relatively narrow backlot located between North Lake Drive and SD Highway 28. The lot is approximately 40' wide and 77' to 78' deep.
2. Front-yard setbacks are established, in part, to provide adequate separation between structures and public rights-of-way and to ensure that normal maneuvers associated with entering and exiting accessory structures may be accomplished on private property.
 - a. In this case, the applicant's proposed garage access and driveway are located on North Lake Drive, where the proposed structure will maintain the 25' setback permitted through the SPUP process.

3. Section 3.07.10.9., backlots are required to maintain a 30' front-yard setback, 8' side-yard setbacks, and an 8' rear-yard setback.
 - a. The property is approximately 40' wide. Application of the required 8' side-yard setbacks leaves approximately 24' of available building width. The proposed garage is 24' wide and therefore utilizes essentially the available width while maintaining both required side-yard setbacks.
 - b. The property is approximately 77' to 78' deep. The physical configuration of the property substantially limits the available north-south building depth.
 - c. With the garage located 25' from North Lake Drive, the proposed 36' building depth results in a setback of approximately 16.3' to 16.9' from the SD Highway 28 right-of-way.
 - d. If the variance is not granted there would be 27' to 28' of depth of buildable area (with a 25' setback on the north and south property line).
4. The Board may consider whether these physical characteristics constitute conditions peculiar to the property that sufficiently distinguish it from a typical lot within the district and whether literal enforcement of the setback would result in unnecessary hardship.
5. The Board may separately consider whether the proposed setback from SD Highway 28 would adversely affect the public interest, including highway safety, right-of-way needs, drainage, visibility, and the ability of the applicable road authority to use and maintain its right-of-way.
6. At the time of this report, staff has not received any correspondence from adjoining landowners.

Staff Summary

The applicant is proposing a 24' x 36' unattached garage on a Lake Poinsett backlot. The proposed garage meets the required side-yard setbacks and will utilize the Special Permitted Use Permit (SPUP) process to maintain a 25' setback from North Lake Drive.

The variance request is limited to the SD Highway 28 setback, where the proposed garage would be approximately 16.3' to 16.9' from the right-of-way. The applicant contends that the lot's limited dimensions and location between two road rights-of-way restrict the available building area.

The Board may attach conditions to this request provided there is a logical reason to do so.

Board Action: A Variance Request to Section 3.07.10(9) – Backlot Setbacks. The applicant is seeking a variance from the required setback along the SD Highway 28 right-of-way to allow construction of a 24' x 36' unattached garage approximately 16.3' to 16.9' from the north property line (SD Highway 28).

The Board may: 1) Postpone the decision; 2) Deny the Request; or 3) Approve the Request with or without conditions.

If approved, staff recommends the following conditions:

1. The variance shall apply only to the 24' x 36' garage and location shown on the submitted site plan.
2. Prior to issuance of a building permit, the applicant shall obtain all required approvals for the Special Permitted Use Permit for the 25' setback from North Lake Drive pursuant to §3.07.10(5).
3. Prior to issuance of a building permit, written consent from the South Dakota Department of Transportation must be obtained confirming they have no objections to the variance request.

4. The proposed garage shall maintain the 8' side-yard setbacks shown on the submitted site plan.
5. The variance shall be valid for one (1) year from the date of approval, and a building permit shall be obtained prior to the start of construction.
6. All other applicable requirements of the Hamlin County Zoning Ordinance shall be met.

Item B: Martin Prouty – Front Yard Variance Request

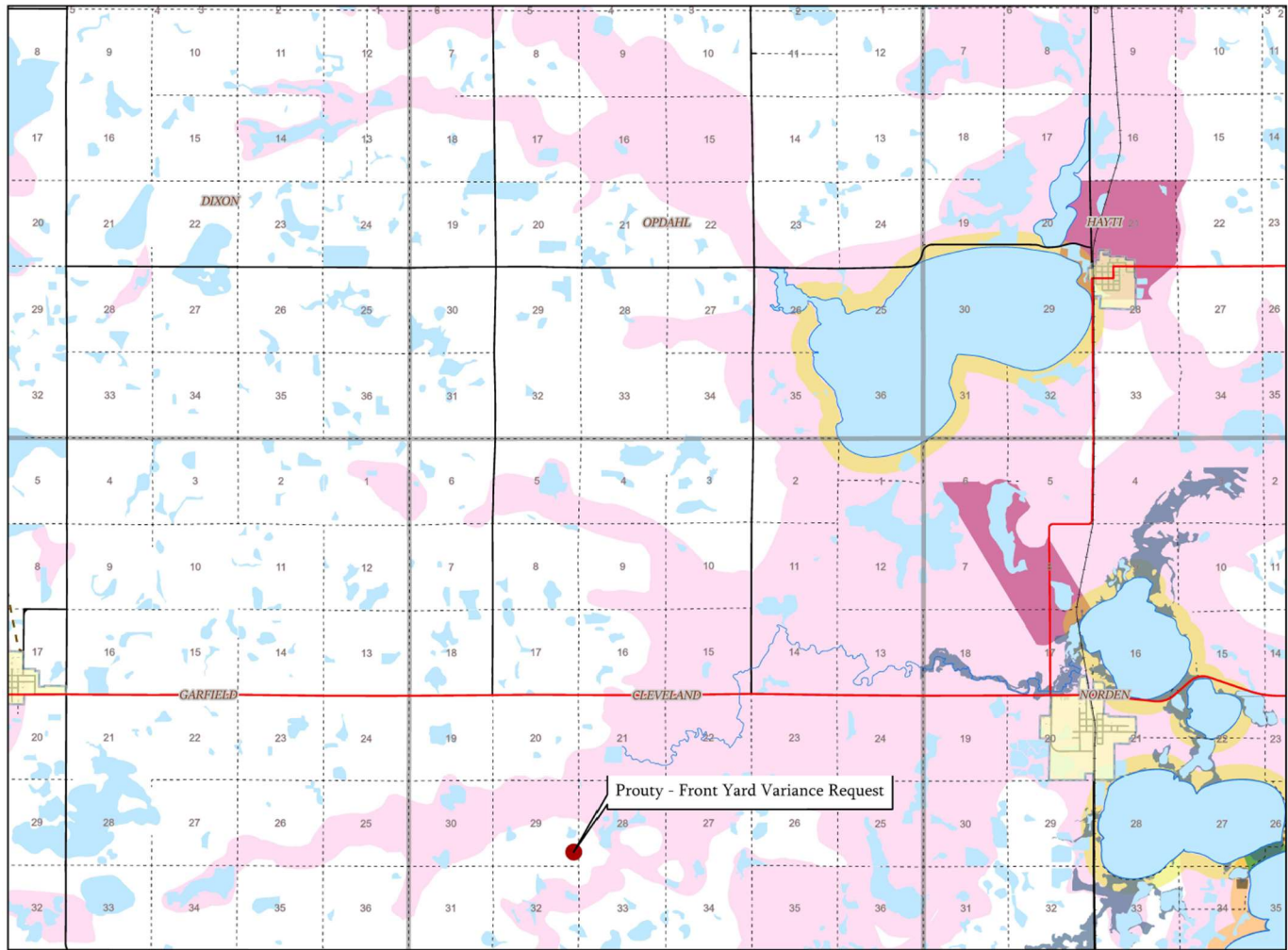
Applicant/Owner: Martin and Krista Prouty

Property Description: Tract A in the Southeast Quarter of Section 29, Township 113 North, Range 54 West, of the 5th P.M., Hamlin County, South Dakota (Cleveland Township).

Zoning Designation: “A” Agricultural District

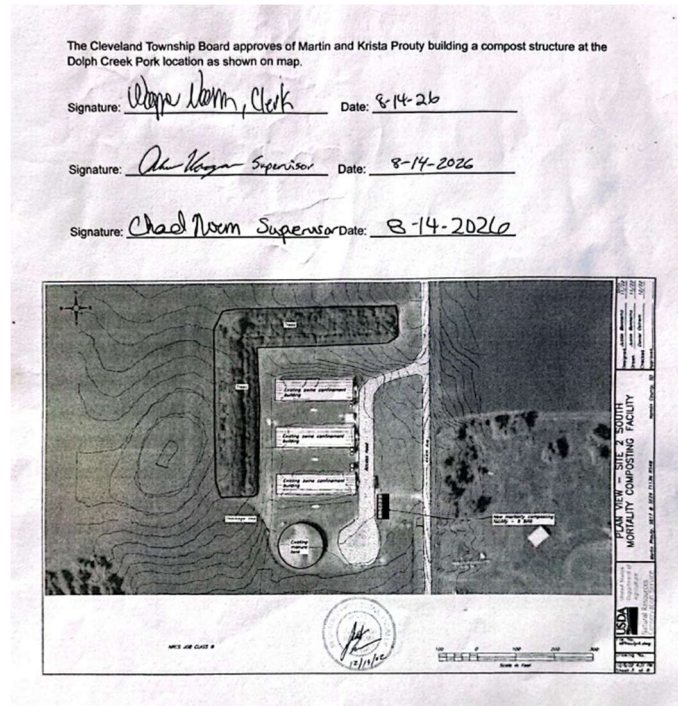
Request / Action Item: A Variance Request to Section 5.25.05.6 – Concentrated Animal Feeding Operation Control Requirements. The applicant is seeking a variance from the front yard setback requirement of one hundred fifty (150) feet. Requesting a setback of approximately eighty-five (85) feet from the east property line (Cleveland Township Road – 444th Avenue).

Location:



Specifics of Property/Request:

1. The applicant is proposing to construct an eight (8) bin mortality compost building at his existing CAFO (hogs) operation as a part of his waste management system.
 - a. No increase in the number of animal units is proposed.
2. The compost building is proposed to be approximately eighty-five (85) feet from the Township Road right-of-way.
3. The applicant states that the requested variance is necessary due to the existing topography of the property and the need to provide reasonable vehicular access to the site.
4. The existing barns and structures were built in 1998.
5. The last building permit issued for the property was in 2022 for a remodel of the barns and addition connecting the barns and adding two (2) loading chute.
 - a. The existing structures meet the 150' setback requirement from a Township Road right-of-way.
6. The property abuts 444th Avenue. The road is gravel and maintained by the Cleveland Township.
7. The Cleveland Township Board has provided written acknowledgment indicating that it has no objection to the proposed location of the compost building in relation to 444th Avenue.
 - a. The Township Board's acknowledgment does not constitute approval of the requested setback variance. Authority to approve or deny the variance remains with the Hamlin County Board of Adjustment.
8. The applicants' proposed plans have been reviewed by the Natural Resources Conservation Service (NRCS).



Ordinance/Board History regarding this request:

1. **Section 5.25.05(6) – Required Setbacks and Separation Distance** establishes a minimum setback of one hundred fifty (150) feet from a Township Road right-of-way for CAFO confinement facilities. The proposed mortality compost building would be located approximately eighty-five (85) feet from the 444th Avenue right-of-way and therefore requires a sixty-five (65) foot variance from the required setback.
2. **Section 5.25.05(4) – Manure Management and Operation Plan** requires Classes A, B, and C CAFOs to maintain a Manure Management and Operation Plan, including the location and specifications of proposed animal manure facilities and the procedures for operation and maintenance of those facilities.

The proposed mortality compost building is associated with the waste management system of the existing CAFO.

3. **Section 5.25.05(7)(e) – Exemptions to Separation Distance Requirements**

provides for site-specific review by the Board of Adjustment and authorizes the Board to increase or decrease minimum recommended setbacks and separation distances based upon the considerations identified within the Ordinance.

- a. Although the applicant is not proposing an expansion in the number of animal units associated with the existing CAFO,



the considerations identified in §5.25.05(7)(e)(ii) provide relevant criteria for the Board to consider when evaluating the requested reduction in setback. These considerations include:

- i. Past management practices and proposed improvements to waste handling facilities.
- ii. Whether the type of waste handling and management of the CAFO is expected to result in little or no impact on adjacent property.
- iii. Whether, due to topography and/or prevailing wind direction, little or no impact on adjacent property is expected.
- iv. Whether the limited number of animal units is such that no adverse impacts are expected.

4. At the time of this report, staff has not received any correspondence from adjoining landowners.

Staff Summary

The applicant has provided the information necessary for the Board to consider the requested setback variance for the proposed eight (8) bin mortality compost building at the existing CAFO (hogs) operation. The proposed building is intended to function as part of the operation's existing waste management system, and no increase in animal units is proposed as part of this request. The Board may attach conditions to the request provided there is a logical reason to do so. Any conditions recommended by staff are primarily intended to ensure the proposed structure and continued operation remain consistent with the information presented as part of the variance request.

Board Action: A Variance Request to allow the construction of an eight (8) bin mortality compost building at the existing CAFO (hogs) operation at a reduced setback from the adjacent township road.

The Board may: 1) Postpone the decision; 2) Deny the Request; or 3) Approve the request with or without conditions.

The Township Board has provided written documentation indicating that it is comfortable with the proposed location of the mortality compost building in relation to the township road. This documentation may be considered by the Board as part of its review; however, final authority to approve or deny the requested variance remains with the Board of Adjustment.

If approved, staff recommends the following conditions:

1. Approval of the variance shall not authorize an increase in the number of animal units permitted at the existing CAFO.
2. The mortality compost building shall be constructed and operated in accordance with the applicable requirements of the approved waste/manure management plan and any applicable State requirements.
3. A building permit shall be obtained prior to the start of construction.
4. The variance shall remain valid for a period of one (1) year from the date of approval. If construction has not commenced within that period, the variance shall expire unless otherwise extended or authorized by the Board of Adjustment.

Hamlin County Planning Commission Staff Report
Monday August 24, 2026, 7:00 PM

Item A: Plat

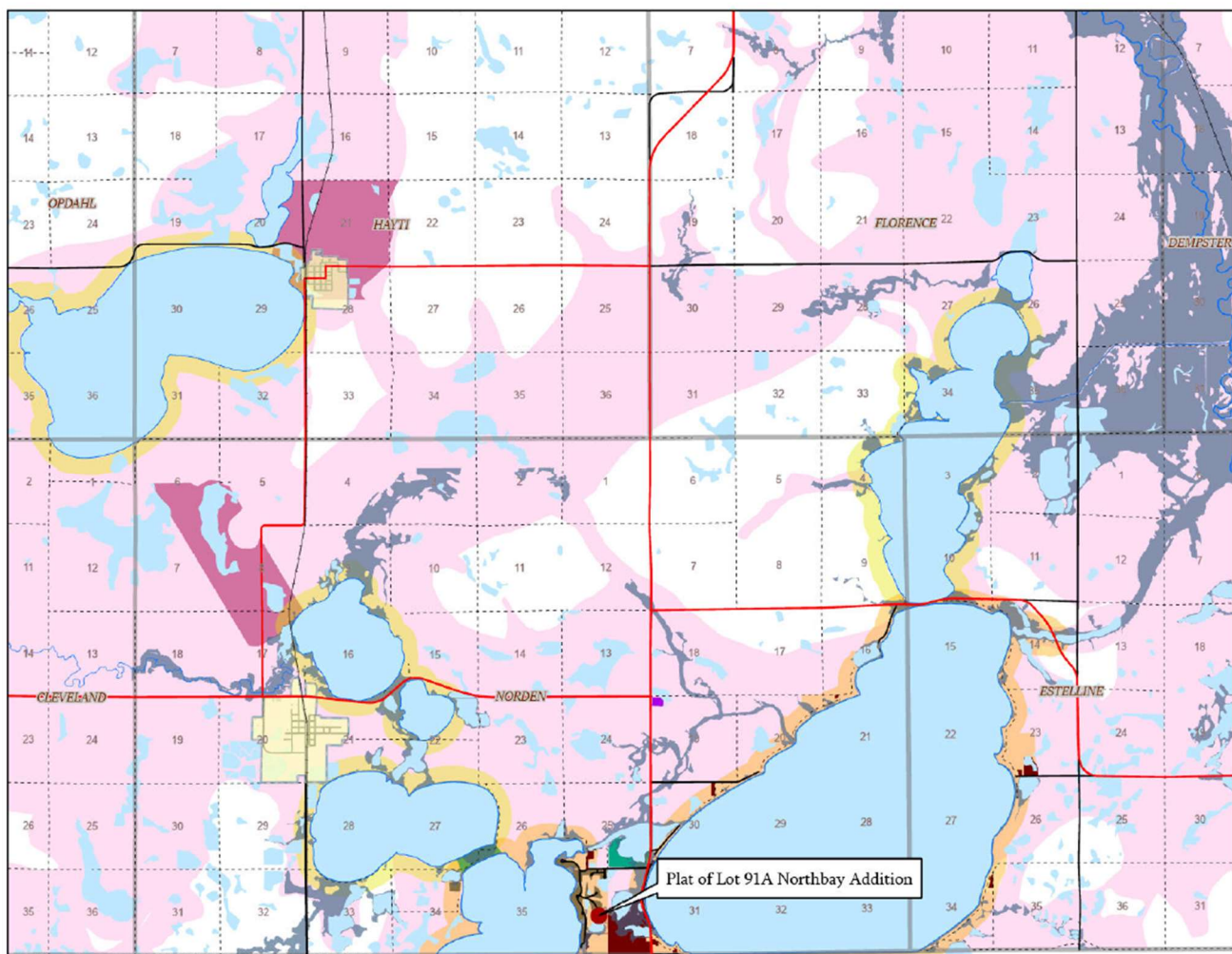
Applicant/Owner: Jody & Wendy Stack

Property Description: **Plat of Lot 91A Northbay Addition** located in Government Lot 19 in the SE1/4 of Section 26, Township 113 North, Range 53 and in the SW1/4 of Section 25, Township 113 North, Range 53 West and in the W1/2 of Section 36, Township 113 North, Range 53 West all of the 5th P.M., Hamlin County, South Dakota (Lake Norden).

Action Item: Plat

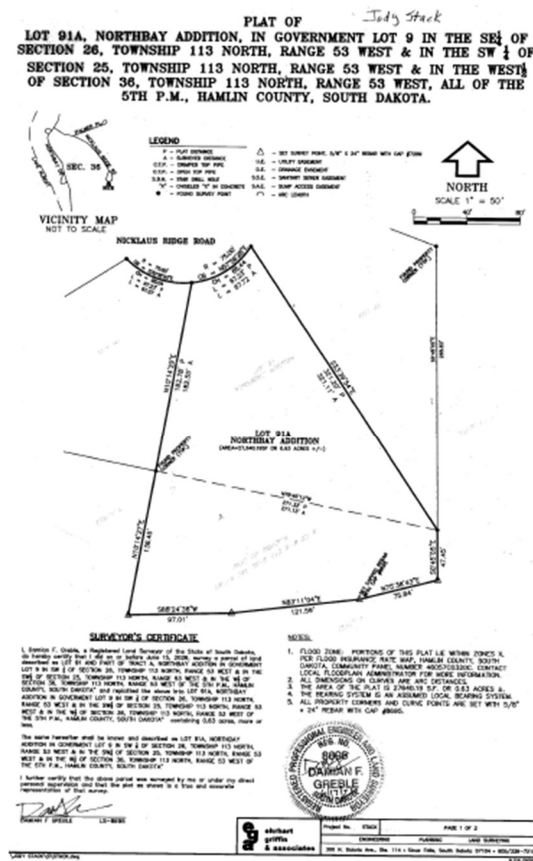
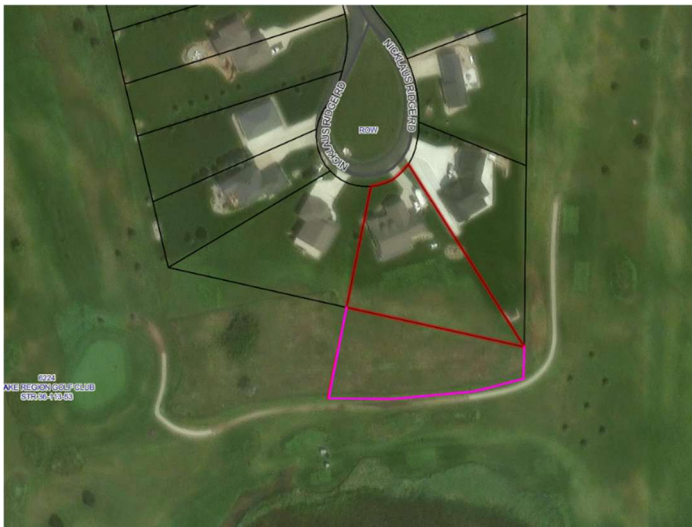
Zoning Designation: “PR” Planned Residential Development

Location:



Specific of Property/ Request:

1. The applicant seeks to plat one (1) lot. The lot will be approximately 1.44 acres and has a lot radius of approximately 75’.
2. The property is apart of a Planned Residential Development and has access onto Nicklaus Ridge Road.
3. The adjacent properties to the north, east, and west are part of the same Planned Residential Development. The development is surrounded by the Lake Region Golf Course, zoned Lake Park District.
4. The applicant is purchasing property legally described as Part of Tract A located in the SW1/4 of Section 36, T113N, Range 53W of the 5th P.M., Hamlin County, South Dakota (shown below in pink).



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 A: Plat

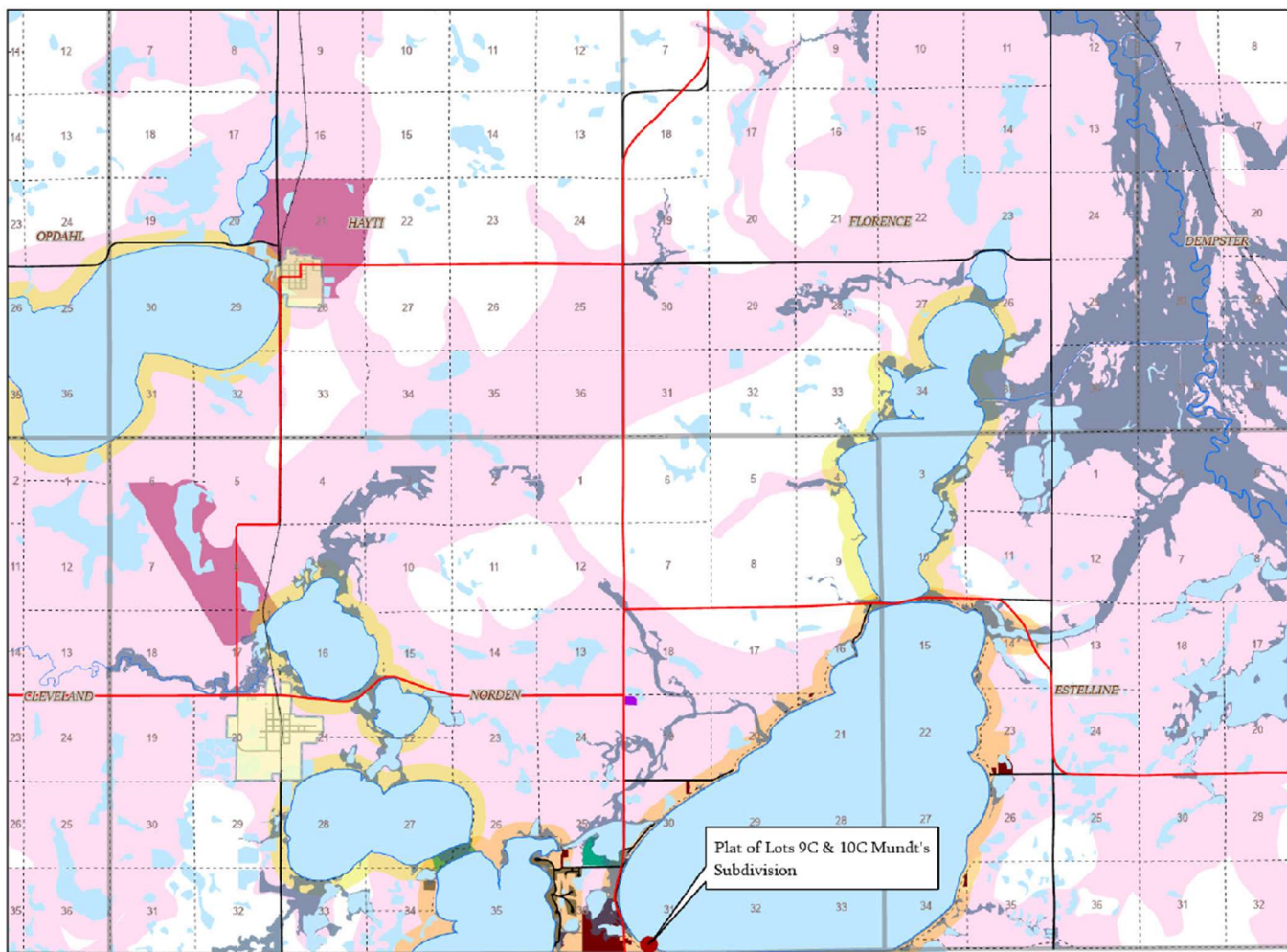
Applicant/Owner: Howard & Sandra Peterson

Plat – Lots 9C and 10C Mundt’s Subdivision being a replat of Lots 9B & 10B together with the Southerly half of the Vacated Township Road lying between Lots 9A & 10A Mundt’s Subdivision in Government Lot 1 of Section 35, Township 113 North, Range 51 West of the 5th P.M., Hamlin County, South Dakota (Estelline Township).

Action Item: Plat

Zoning Designation: “LP” Lake Park District

Location:



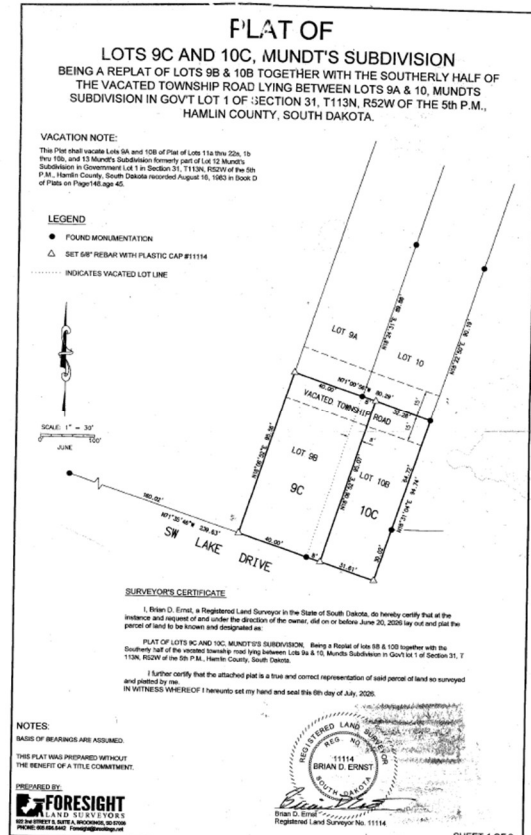
Specific of Property/ Request:

1. The applicant is proposing a boundary line adjustment prior to the deeding of Lot 10C to the owner of Lot 10.
 - a. The adjustment makes Lot 9C eight (8) feet wider to bring the existing shed into compliance with side yard setback requirements.
 - b. The adjustment will create a nonconforming lot – Lot 10C, which means it will no longer retain a buildable right (this has been communicated to the applicant).
 - c. Lot 10C is currently utilized as a driveway to Lot 10, which is otherwise landlocked.



Ordinance regarding this request:

1. **Section 320 – Lot, Buildable**, a lot having less width or area than required by the Zoning Ordinance is not considered a buildable lot.
 - a. Therefore, Lot 10C will not retain building eligibility following the boundary line adjustment. This has been communicated to the applicant.
2. **Section 3.07.10 Area Regulations**



LAKE PARK DISTRICT LP1 and LP2 SCHEDULE OF REGULATIONS						
	Minimum Lot Area	Minimum Lot Width	Minimum Side yard	Minimum Front Yard Road Front (1) (5) (9)	Minimum Rear Yard Lake Front (2)	Maximum Height
Central Sewer/ Holding Tank/ Rural Water						
Single Family Dwelling	9,600	75'	8'	30'	50'	30'
Multiple Family Dwelling	10,000	100'	10'	30'	50'	45'
Rural Water/Septic Tank						
Single Family Dwelling	20,000	75'	8'	30'	50'	30'
Multiple Family Dwelling	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Well/Septic Tank						

Single Family Dwelling	43,560	75'	8'	30'	50'	30'
Multiple Family Dwelling	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed

Staff Summary & Recommendation:

Staff recommends that this plat be forwarded to the County Commissioners with the condition that a restriction be recorded concurrently with the plat stating that Lot 10C has no independent building eligibility.

Planning Commission Action:

The Commission may: 1) Postpone the decision 2) Recommend conditional approval or denial to County Commission.

Item C: Ordinance 2026-06 - Amending Section 3.07.05 Conditional Uses – “LP” Lake Park District

Staff Summary:

3. Following discussions between staff and the Lake Poinsett Sanitary Sewer District regarding future development needs, it was identified that a previous amendment to the Lake Park District regulations removed provisions allowing for the establishment of public buildings or facilities constructed and operated by a governmental agency. This change effectively eliminated a zoning mechanism for the Sanitary Sewer District to establish an office within the boundaries of the district.
4. Pursuant to SDCL § 34A-5-25, the Board of Trustees of a sanitary district “shall establish an office within the sanitary district.” As a governmental subdivision of the State of South Dakota, the Lake Poinsett Sanitary Sewer District is therefore required by state law to maintain its office within its established district boundaries. The current Lake Park District regulations may restrict the District's ability to establish such an office within those boundaries, creating the need to address governmental buildings and facilities within the zoning ordinance.

Ordinance #2026-06

ORDINANCE #2026-06, AN ORDINANCE AMENDING #2011-2, AN ORDINANCE AMENDING ORDINANCE #2005-1, AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR HAMLIN COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, PURSUANT TO SDCL 11-2, 1967, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND/OR ORDINANCES IN CONFLICT HERewith, AS AMENDED.

BE IT ORDAINED by the Board of County Commissioners of Hamlin County, South Dakota that Section 3.07.05 Conditional Uses [Lake Park District], which was adopted by #2011-2, an ordinance amending ordinance #2005-1, as amended, of the Zoning Ordinance of Hamlin County be amended by deleting the following text in strikethrough font and adding the following text in bold and underlined font:

Section 3.07.05 Conditional Uses

1. Golf course, driving range, clubhouse, and related accessory uses;

~~(Reserved)~~ **2. Public buildings or facilities erected or established and operated by any governmental agency.**

2. Domestic sanitary sewer treatment facility owned by a public entity;
3. Stabling, Pasturing, Raising of Livestock on Small Acreages, subject to Chapter 5.08;
4. (Reserved)
5. Multiple family dwellings, including condominiums;
6. (Reserved)
7. (Reserved)
8. Type B manufactured home;

9. Commercial storage garages permitted prior to January 1, 2022, subject to Section 3.07.09.9.

Planning Commission Action:

The Commission may: 1) Postpone the decision 2) Recommend conditional approval or denial to County Commission.