

BRING YOUR DREAMS.



City of Brookings
Meeting Agenda
Board of Adjustment

Brookings City & County
Government Center
520 3rd St., Suite 140
Brookings, SD 57006
Phone: (605) 692-6629
Fax: (605) 697-8624

Thursday, September 2, 2021

5:00 PM

Brookings City & County Government Center
520 3rd St., Room 310, Chambers

1. Call To Order

2. Approval of Agenda

3. Approval of Minutes

- 3a. [ID 21-0424](#) August 19, 2021 Board of Adjustment Minutes

Attachments: [August 19, 2021 Board of Adjustment Minutes](#)

4. New Business

- 4a. [ID 21-0421](#) Daniel Bielfeldt Variance Request - Boulevard Parking - 928 7th Avenue

Attachments: [Public Hearing Notice](#)
[Aerial Map](#)
[Application](#)

- 4b. [ID 21-0422](#) Prairie Hills LLC Variance Request - Front and Side Yard Setbacks - 806 & 813 Sunflower Road

Attachments: [Public Hearing Notice](#)
[Aerial Map](#)
[806 Sunflower](#)
[804 Sunflower \(806 side setback\)](#)
[813 Sunflower](#)
[Application](#)

5. Adjournment

Board of Adjustment Members: Justin Borns, Nick Schmeichel, George Houtman, Dustin Edmison, Jeremy Scott, 1st Alternate Matt Chandler, and 2nd Alternate Jake Russell. City Staff: Mike Struck, Community Development Director, and Ryan Miller, City Planner.

Assisted Listening Systems (ALS) are available upon request by contacting (605) 692-6281. If you require additional assistance, alternative formats, and/or accessible locations consistent with the Americans with Disabilities Act, please contact Susan Rotert, City Human Resources Director and ADA Coordinator at (605) 692-6281 at least three working days prior to the meeting.

OFFICIAL MINUTES

Chairperson George Houtman called the Board of Adjustment meeting to order on Thursday, August 19, 2021 at 5:30 PM in the Chamber's Room of the City & County Government Center. Members present were Dustin Edmison, Jeremy Scott, Nick Schmeichel, and Houtman. Absent were alternate-Matt Chandler, alternate-Jake Russell, and Justin Borns. Others present were Community Development Director Mike Struck, City Planner Ryan Miller, DeeAnn Wolpert, Glen Hansen, Beth Bozied, Norma Ponce and her daughter, and Jacob Limmer.

Item #1 – Roll Call

Item #2 – (Schmeichel/Edmison) Motion to approve the agenda. All present voted aye. **MOTION CARRIED.**

Item #3 – (Scott/Schmeichel) Motion to approve the July 19, 2021 minutes. All present voted aye. **MOTION CARRIED.**

Item #4a – Robert Lynn made a request for a variance on Lot 25, Block 3, Windermere Pointe Addition, also known as 1925 Windermere Way. The request is for a detached accessory structure to be located within a front yard setback.

(Schmeichel/Edmison) Motion to approve the variance request. All present voted aye. **MOTION CARRIED.**

Item #4b – DeeAnn Wolpert made a request for a variance on the West 45 Feet of Lot 11, Block 6, Skinners First Addition, also known as 815 3rd Street. The request is to build a 19-foot high accessory structure that exceeds the height of the principal building. No accessory building located upon a residential lot shall have a height greater than that of the principal building.

(Scott/Edmison) Motion to approve the variance request.

(Houtman/Schmeichel) Amendment to the motion for a 12-foot sidewall with a 4/12 pitch. All present voted aye. **AMENDMENT CARRIED.**

Motion as amended was voted on. All present voted aye. **MOTION CARRIED.**

Item #4c – DeeAnn Wolpert made a request for a variance on the West 45 Feet of Lot 11, Block 6, Skinners First Addition, also known as 815 3rd Street. The request is to exceed the maximum square feet allowed for accessory structures in a rear yard. The maximum square feet allowed for accessory structures is 1,000 square feet.

(Schmeichel/Scott) Motion to approve the variance request.

(Schmeichel/Scott) Amendment to the original motion that the construction materials must match the siding and roofing on the house. All present voted aye. **AMENDMENT CARRIED.**

Motion as amended was voted on. All present voted aye. **MOTION CARRIED.**

Item #4d – Dennis Miller and Louis George made a request for a variance on Lot 1 of Brickwood Plaza Addition specifically pertaining to 1710 6th Street. The request is to expand a patio 15 feet into the front yard setback. Porches, decks and platforms 30 inches in height or less above grade may extend into the front yard a distance not greater than 20 percent of the minimum required setback, in this case 5 feet.

(Schmeichel/Scott) Motion to approve the variance request. All present voted aye. **MOTION CARRIED.**

The meeting was adjourned at 5:58 p.m.

Ryan Miller
City Planner

George Houtman
Chairperson

OFFICIAL SUMMARY

Chairperson George Houtman called the Board of Adjustment meeting to order on Thursday, August 19, 2021 at 5:30 PM in the Chamber's Room of the City & County Government Center. Members present were Dustin Edmison, Jeremy Scott, Nick Schmeichel, and Houtman. Absent were alternate-Matt Chandler, alternate-Jake Russell, and Justin Borns. Others present were Community Development Director Mike Struck, City Planner Ryan Miller, DeeAnn Wolpert, Glen Hansen, Beth Bozied, Norma Ponce and her daughter, and Jacob Limmer.

Item #4a – Houtman feels that this is a structure that will never be enclosed, and because there will never be an access off of 20th Street South, this request isn't an issue.

Item #4b&c – Glen Hansen, representing Wolpert, stated that they would like to build a structure to house a camper and a vehicle, and this garage would also be large enough for an additional vehicle. They currently have a single garage on this property which is shared with the neighbor. They exceed the maximum allowed square footage by 136 square feet. They have considered changing the size of the doors to lower the height of the structure. Schmeichel wondered if removing the walk-in door at the front and shortening the width of the garage would be an option.

Beth Bozied isn't in favor of a large metal building in their neighborhood. She feels that looking at a large metal building in this neighborhood would be very discouraging. She feels that a garage/building being built would be better if it would match the house and the residential area. She isn't against the size of the building but is against the metal siding.

Norma Ponce and her daughter, 808 4th Street, also utilize the alley and is concerned with the use of the alley for so many vehicles if this request is approved.

Houtman is concerned with this structure taking up the whole back yard.

Hansen explained that utilizing the front drive-way is very limited. He also doesn't feel that the amount of traffic in the alley would really increase much. This garage will be used mostly for storage of the camper and a vehicle during the winter months. Additionally, there isn't any parking allowed on 3rd Street.

Houtman asked what the height of the house is. Hansen stated 15 feet. Hansen explained that they would be willing to change the garage and install one larger door, centered. Doing this he could possibly get the side wall height down to 12.5 feet. Hansen has not looked into a special truss formation to make this garage work with the RV. They would like to keep the size of the large door to at least 18 feet. Houtman is concerned with the height of a building, tall enough for an RV, in a residential area. Schmeichel is concerned that the future use of this structure could be something other than storage. He would like to see the height of the sidewalls brought down. Houtman feels that, utilizing "H" style rafters, they could park an RV in a structure with walls that are 12 feet high.

Item #4d – Jacob Limmer, the owner of Cottonwood Bistro, explained that they would like to install this outdoor seating for aesthetic reasons. Houtman asked if they plan to remove the

existing seating area. It is his understanding that they would be removing everything that is currently there. Additionally, they will be replacing a portion of the sidewalk that currently has a bend, and it will now be straight. Edmison inquired about the glass that would be facing the street. Miller stated that they would have to follow building code with whatever was installed. Struck also explained that they would have to build these glass structures far enough back from the right-of-way to prevent any site issues with traffic and pedestrians.

The meeting was adjourned at 5:58 p.m.

Ryan Miller
City Planner

George Houtman
Chairperson

Staff Report

File #: ID 21-0421, **Version:** 1

Daniel Bielfeldt Variance Request - Boulevard Parking - 928 7th Avenue

Summary:

Daniel Bielfeldt is requesting to establish boulevard parking within a paved portion of boulevard at 928 7th Avenue. According to Resolution No. 95-92, in order occupy the City boulevard with a boulevard parking space, the owner of property contiguous to the boulevard must have obtained a boulevard parking permit. The applicant was denied a permit for boulevard parking and is appealing the decision to the Board of Adjustment as permitted in Resolution No. 95-92.

The garage facing 7th Avenue has recently been converted to office space by the applicant and the driveway between the former garage and sidewalk has been removed. The portion of the driveway within the boulevard, however, remains in place and the applicant would like to utilize this for parking.

Findings of Fact:

(1) Due to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and the variance shall not violate the spirit of the ordinance and substantial justice may be achieved as a result of variance.

Finding: According to Resolution No. 95-92, an asphalt or concrete surfaced boulevard parking space may be granted a permit by the City Engineer if all of the following conditions are met:

1. The dimensions of the parking space are a minimum of 8' x 17'.
2. Access to the space is from the street with a curb cut or mountable curb or from a legal driveway in the case of spaces parallel to the street.
3. The parking space was in place and completely surfaced with asphalt or concrete before the date of passage of Ordinance No. 27-92 (11-24-92).
4. The surfacing is in good condition.

According to the above standards, the existing paved boulevard area would meet the minimum requirements for a boulevard parking space. The intent of Resolution No. 95-92, however, is to provide flexible parking options in business districts.

Sec. 94-431(2) states that in the event that a garage stall is converted to living, sleeping, eating or cooking space, all driveways or portions of driveways leading to the converted garage shall be removed and the land restored to grass or other landscaping.

The applicant left the portion of driveway between the curb and sidewalk after renovation of the garage into office space. Leaving this area for parking would violate the spirit of the ordinance. A three-stall garage is located behind the home fronting Harvey Dunn Street and provides adequate parking for a single-family home. The applicant states that the remaining boulevard parking on 7th Avenue would be used for guests or temporary parking.

(2) Unique circumstances apply to the property which do not apply to other properties in the same vicinity or district.

Finding: Due to the removal of the driveway, and without a boulevard parking permit, the applicant no longer has off-street parking on their primary frontage. The home is near the University and in close proximity to rental properties, therefore, on-street parking is competitive. At the same time, the property includes a three-stall garage along the secondary frontage offering more off-street parking than many other homes in the vicinity and the removal of the driveway leading to the former garage constitutes a self-created hardship which does not meet the requirements for a variance.

(3) The variance is necessary for the preservation of a property right that is substantially the same as that possessed by owners of other property in the same district.

Finding: Any property owner wishing to establish boulevard parking is required to obtain a permit according to Resolution No. 95-92, however, boulevard parking is not a property right due to its location within City right-of-way.

(4) The variance requested is the minimum variance which would alleviate the hardship.

Finding: The variance seeks to retain only the existing paved surface within the boulevard, therefore, the variance requested would be the minimum needed to alleviate a perceived hardship.

(5) Reasonable use of the property is not permitted under the terms of this chapter.

Finding: Reasonable use of the property is permitted regardless of the issuance of a variance to establish boulevard parking. The property has more than the minimum required off-street parking spaces needed for a single-family home. The applicant would like the boulevard parking space for guests and temporary parking which is available in the form of on-street parking.

Recommendation:

Staff recommends denial.

Attachments:

Public Hearing Notice

Aerial Map

Application

NOTICE OF HEARING
UPON APPLICATION FOR A VARIANCE

NOTICE IS HEREBY GIVEN that Daniel Bielfeldt has made a request for a variance on Sublots "A" and "B" of Lot 9, Block 10, Morehouse Addition, also known as 928 7th Ave. The request is to establish boulevard parking.

NOTICE IS FURTHER GIVEN that said request will be brought on for public hearing before the Board of Adjustment at 5:00 P.M. on Thursday, September 2nd, in the Chambers Room on the third floor of the Brookings City and County Government Center at 520 Third Street, Brookings, South Dakota.

Any person interested may appear and be heard in this matter.

Dated this 20th day of August, 2021.

Ryan Miller
City Planner

If you require assistance, alternative formats and/or accessible locations consistent with the Americans with Disabilities Act, please contact the City ADA Coordinator at 692-6281 at least 48 hours prior to the meeting.

Published _____ time(s) at an approximate cost of \$ _____.

928 7th Avenue



Meeting Date: _____



**BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE
FEE: \$ 150.00**

Fee WAIVED

Noted 8-4-21

***Applicants are responsible for attending the meeting and providing proof of a hardship.**

Name (applicant): Daniel Bielfeldt Phone: 605-690-4859

Address: 928 7th Ave Email: dbielfeldt@gmail.com

Name (owner): Daniel and Megan Bielfeldt Phone: 605-690-4859

Address: 928 7th Ave Email: dbielfeldt@gmail.com

Property address where variance is sought: 928 7th Ave. Brookings, SD 57006

Legal Description: Morehouse Addition, A&B, Lot 9, Blk 10 100 x 165

Site Plan Required: A "top view" or overhead plan, drawn to scale, showing all existing and proposed buildings, structures, fences, lot lines, dimensions and other relevant information regarding the request shall be submitted with all applications.

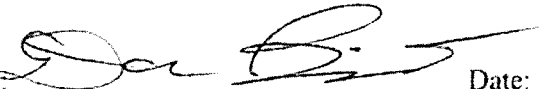

Brief statement regarding the variance desired: After converting our garage to an office, I request to continue the use of our single boulevard parking space.

Brief statement explaining how your request meets the following criteria:

Describe special conditions specific to the property (irregular lot boundary, size, unusual topography, etc.) that make it difficult to meet the ordinance requirements and explain why the rules cause an unnecessary hardship that does not affect surrounding properties in the same way: We have just one parking space in front of our home and have no other place to put a parking space in front of our house. There are many existing examples of allowed boulevard parking in my neighborhood and in our town. We are not looking to add any additional parking but rather to be able to keep the boulevard space that has been there since before we bought the home. We did get rid of the rest of the driveway per our understanding of the city requirement. Our one parking space is very useful as the on-street parking in front of our house is generally full.

Second Page



Applicant's Signature:  Date: 8-4-2021
Owner's Signature:  Date: 8-4-2021

BOARD OF ADJUSTMENT

Decision: _____

Chairperson, Board of Adjustment

Date



City of Brookings

Brookings City & County
Government Center, 520
Third Street
Brookings, SD 57006
(605) 692-6281 phone
(605) 692-6907 fax

Staff Report

File #: ID 21-0422, **Version:** 1

Prairie Hills LLC Variance Request - Front and Side Yard Setbacks - 806 & 813 Sunflower Road

Summary:

Prairie Hills LLC has requested variances to the front and side yard setbacks for 806 and 813 Sunflower Road in Lot C of Prairie Hills Addition. The two homes have already been built, however, the required front and side yard setbacks were found to be nonconforming upon review of the plat for Lot C in Prairie Hills Addition.

The required front yard setback in the Residence R-3 apartment district is 20 feet. Because Prairie Hills is being constructed with private roads and common area lots, the accepted front yard setback has been determined to be from the front of the dwelling to the back of the curb, rather than to the public right-of-way which does not exist here. 806 Sunflower Road has an existing front yard setback of 12' 1 15/16" from the dwelling to the back of curb. 813 Sunflower Road has an existing front yard setback of 12' 10 1/2" from the dwelling to the back of curb.

The required side yard setback in the R-3 district is 7 feet. The accepted side yard setback for dwellings within common lot areas is matching side yard setbacks between dwellings, or a minimum distance of 14 feet between dwellings. The existing side yard setback between 806 Sunflower Road and 808 Sunflower Road is 12' 6 9/16" or a 6' 3 9/32" side setback for each. The existing side yard setback between 806 Sunflower Road and 804 Sunflower Road is 12' 3 1/4" or a 6' 1 5/8" side setback for each. 813 Sunflower Road meets side setback standards.

Additional variance requests are likely for this particular portion of Prairie Hills due to additional foundations having been poured and recently constructed dwellings being reviewed for compliance. The developer has agreed to meet all required setbacks going forward.

Findings of Fact:

(1) Due to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and the variance shall not violate the spirit of the ordinance and substantial justice may be achieved as a result of variance.

Finding: Prairie Hills has been developed with common lot areas and private roadways. This creates challenges in determining front and side yard setbacks due to the absence of front, side, and rear lot lines for individual dwellings. Property owners own their dwelling which is platted as a subplot within common area lots. The dwellings, however, shall still conform to minimum setback requirements established for their zoning district and failing to conform to these setbacks violates the spirit of the zoning ordinance.

(2) Unique circumstances apply to the property which do not apply to other properties in the same vicinity or district.

Finding: All properties within the Prairie Hills development are subject to zoning setbacks established for their zoning district. Acceptable setbacks for properties for the development have been determined to be from the front of the dwelling to the back of curb and matching side setbacks between each dwelling. These differ from traditional setbacks that require front setbacks from the dwelling to the right-of-way and side setbacks from the dwelling to each side property line.

(3) The variance is necessary for the preservation of a property right that is substantially the same as that possessed by owners of other property in the same district.

Finding: All properties shall conform to the required setbacks established for their zoning district.

(4) The variance requested is the minimum variance which would alleviate the hardship.

Finding: Because the dwellings are already built, the variances would be the minimum needed to allow the dwellings to remain where they are.

(5) Reasonable use of the property is not permitted under the terms of this chapter.

Finding: Reasonable use would be permitted if the dwellings were built to the minimum setbacks required or if given a variance. Without a variance, the homes become non-conforming dwellings.

Recommendation:

Staff recommends approval of front and side yard setback variances for 806 Sunflower Road and approval of a front yard setback variance for 813 Sunflower Road.

Attachments:

Public Hearing Notice

Aerial Map

Site Plan 806 Sunflower

Site Plan 804 Sunflower

Site Plan 813 Sunflower

Application

NOTICE OF HEARING
UPON APPLICATION FOR A VARIANCE

NOTICE IS HEREBY GIVEN that Prairie Hills LLC has made a request for a variance on Block 6 of Prairie Hills Addition specifically pertaining to 806 and 813 Sunflower Road. The request is for reduced front and side yard setbacks. Minimum setbacks in the Residential R-3 Apartment District include seven-foot side yard and twenty-foot front yard setbacks.

NOTICE IS FURTHER GIVEN that said request will be brought on for public hearing before the Board of Adjustment at 5:00 P.M. on Thursday, September 2nd, in the Chambers Room on the third floor of the Brookings City and County Government Center at 520 Third Street, Brookings, South Dakota.

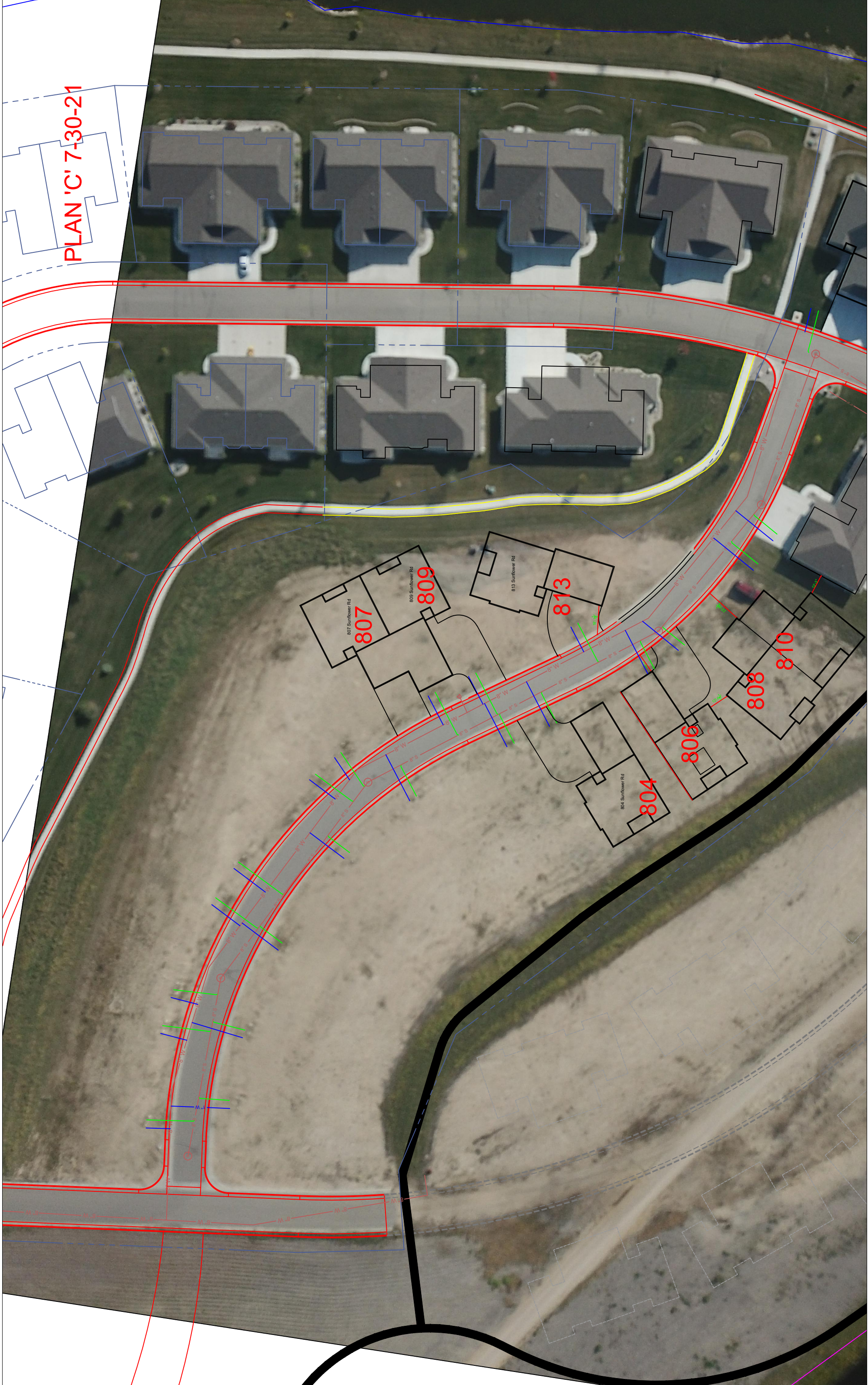
Any person interested may appear and be heard in this matter.

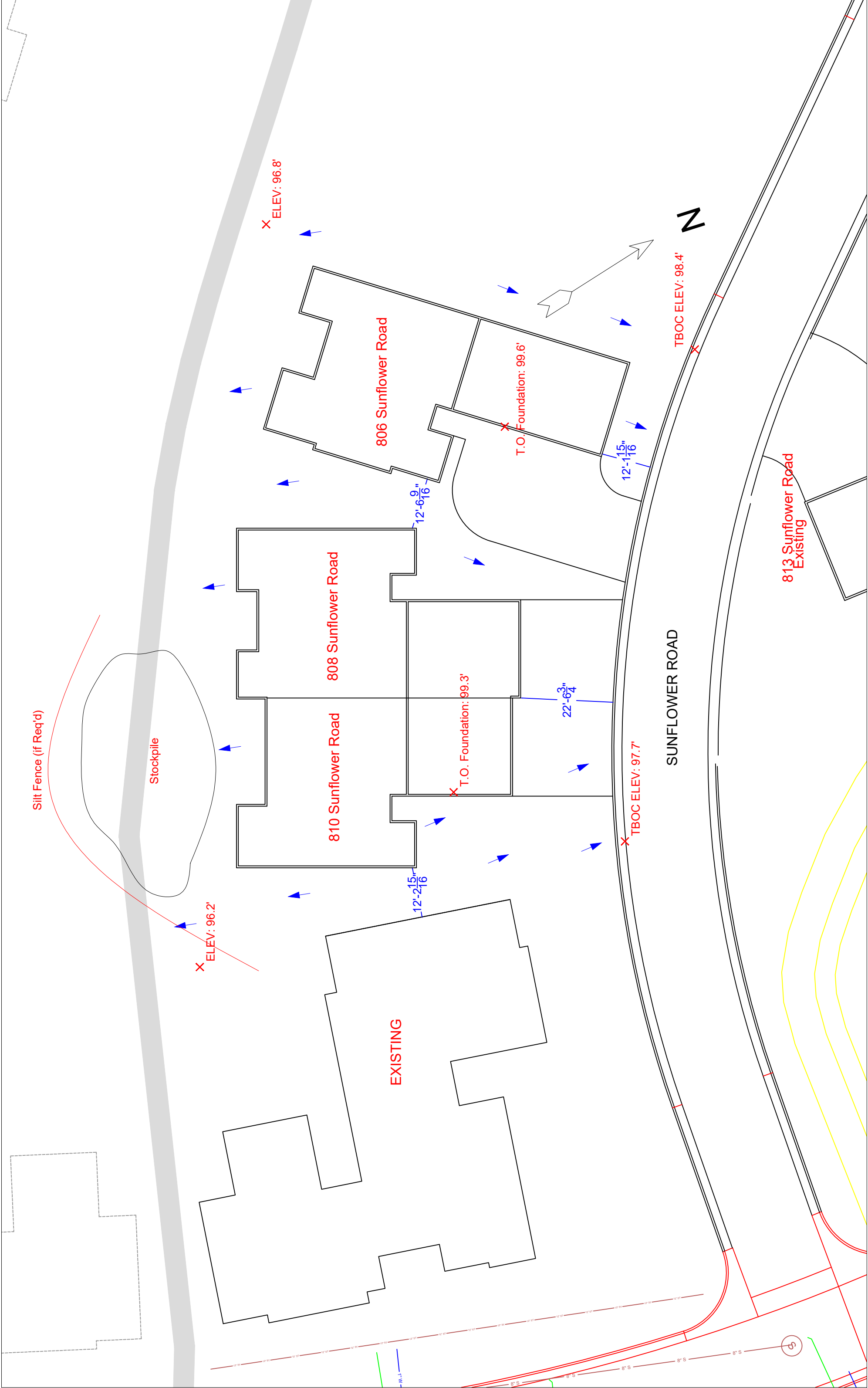
Dated this 20th day of August, 2021.

Ryan Miller
City Planner

If you require assistance, alternative formats and/or accessible locations consistent with the Americans with Disabilities Act, please contact the City ADA Coordinator at 692-6281 at least 48 hours prior to the meeting.

Published _____ time(s) at an approximate cost of \$ _____.











Meeting Date: 9/2

**BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE
FEE: \$ 150.00**

***Applicants are responsible for attending the meeting and providing proof of a hardship.**

Name (applicant): Prairie Hills Phone: 697-3118
Address: 1323 Main Ave S Email: jacob@mills-development.com
Name (owner): Prairie Hills (Jacob Mills) Phone: same
Address: Same Email: _____
Property address where variance is sought: 806 1/2 813 Sunflower Rd.
Legal Description: Block 6, Prairie Hills Addition

Site Plan Required: A "top view" or overhead plan, drawn to scale, showing all existing and proposed buildings, structures, fences, lot lines, dimensions and other relevant information regarding the request shall be submitted with all applications.

Brief statement regarding the variance desired: Variance needed for
front setback and side yard setback.

Brief statement explaining how your request meets the following criteria:

Describe special conditions specific to the property (irregular lot boundary, size, unusual topography, etc.) that make it difficult to meet the ordinance requirements and explain why the rules cause an unnecessary hardship that does not affect surrounding properties in the same way:

Curved streets create tight corners on side yards.
Side load garage reduces need for front setback.





8/18/2021

[illegible]

BOARD OF ADJUSTMENT

1. The first part of the document is a header section containing the title "THE EFFECTS OF THE 2008 FINANCIAL CRISIS ON THE UK ECONOMY" and the author's name "JAMES H. M. SMITH".

[Return to top](#)

.....
