

BRING YOUR DREAMS.



City of Brookings
Meeting Agenda - Final
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, November 4, 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 21-0533](#) October 21, 2021 Board of Adjustment Minutes

Attachments: [BOAMinutes_2021_10_21](#)

4. Old Business

4a. [ID 21-0527](#) Brad and Kayla Lounsbury Variance Reconsideration - Side Yard Setback
- 906 7th Street

Attachments: [Notice](#)
[Aerial Map](#)
[Application](#)
[Site Plans](#)
[Site Plan - NEW](#)
[Pictures - NEW](#)

5. New Business

- 5a. [ID 21-0525](#) Prairie Hills LLC Variance Requests - Front and Side Yard Setbacks 804, 809, 810 and 812 Sunflower Road

Attachments: [Public Hearing Notice](#)
[Aerial Map](#)
[804 Sunflower Road](#)
[809 Sunflower Road](#)
[810 and 812 Sunflower Road](#)
[Application](#)

- 5b. [ID 21-0526](#) EC Properties Special Exception Request - 1728 US Hwy 14

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

6. 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, October 21, 2021 at 5:00 PM in the Chamber's Room of the City & County Government Center. Members present were Justin Borns, Matt Chandler, alternate-Jake Russell, Nick Schmeichel, and Houtman. Absent was Dustin Edmison. Others present were Community Development Director Mike Struck, City Planner Ryan Miller, Brad and Kayla Lounsbury, and Terry Anderson.

Item #1 – Roll Call

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

Item #3 – (Scott/Schmeichel) Motion to approve the October 7, 2021 minutes. All present voted aye. **MOTION CARRIED.**

Item #4a – Brad and Kayla Lounsbury made a request for a variance on Lots 13, 14, and the East 25' of Lot 15, Block 1 of Shepards Addition, also known as 906 7th Street. The request is for a three-foot setback for an accessory structure. The required setback for an accessory structure is five-feet.

(Scott/Borns) Motion to approve the variance request. Schmeichel, Borns, Chandler and Houtman voted no. Scott voted yes. **MOTION FAILED.**

Item #4b – Terry Anderson made a request for a variance on the East 106.7 feet of Lots 1 and 2, excluding the North 8 feet of Lot 2 in Hamre's Addition, also known as 104 West 6th Street. The request is for the elimination of landscaping standards required for a redevelopment that will increase the total floor area on a site by more than 25%. For additions that would increase total floor area on a site by 25 percent or more, a landscape plan for the entire site, demonstrating compliance with the requirements of Sec. 94-399 including minimum landscape buffers, foundation plantings, and tree plants must be submitted for approval.

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

(Houtman/Chandler) Amendment to the motion to install green space from driveway to driveway, 5 feet wide, and to add shrubs or landscape type material around the sign. All present voted aye. **AMENDMENT CARRIED.**

Motion as amended was voted on. 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, October 21, 2021 at 5:00 PM in the Chamber's Room of the City & County Government Center. Members present were Justin Borns, Matt Chandler, alternate-Jake Russell, Nick Schmeichel, and Houtman. Absent was Dustin Edmison. Others present were Community Development Director Mike Struck, City Planner Ryan Miller, Brad and Kayla Lounsbury, and Terry Anderson.

Item #4a – Lounsbury explained that they had an older garage that they decided to demolish. They want to build a new garage and would like to build the new garage close to the setback that was used for the older garage. The placement of the garage which would closely align with the former garage would make the garage more accessible due to a protruding bathroom addition that limits access width to the rear yard area. The garage request has been submitted and approved by the State Historic Preservation Office. They have submitted their building plans to the Building Services department to obtain a building permit. Houtman asked if the garage could be moved back. Lounsbury stated that due to easements they are not able to move the garage back on the lot further. Houtman explained that when remodeling/construction is done on a property, the property has to be brought into compliance with zoning.

Item #4b– Anderson has owned this property since the early 1990's. He has increased his business and number of employees and is looking to increase his building space and parking to accommodate the employees and customers. Since he purchased the property, the upgrades on 6th Street have taken away some footage on the south side of his property. He would like to eliminate the landscaping requirements on this property. Miller explained the ordinance requirements for landscaping, green space and tree plantings. Schmeichel asked why the State/City didn't have to install grass in the boulevard when they completed the 6th Street project. Struck explained that a 3-foot strip of grass along 6th Street would not withstand the elements such as snow removal. Borns wondered if they could remove the proposed parking spots on the east side and install green area here. Houtman feels that a 5-foot grass area from driveway to driveway would be acceptable and then some improvements around the sign. Borns feels that they should also make some of the parking on the east side and turn it into green area.

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

Ryan Miller
City Planner

George Houtman
Chairperson



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 21-0527, **Version:** 1

Brad and Kayla Lounsbury Variance Reconsideration - Side Yard Setback - 906 7th Street

Summary:

Brad and Kayla Lounsbury are requesting a reconsideration of a variance request that was denied on Lots 13, 14 and the East 25 Feet of Lot 15, Block 1 of Shepard's Addition, also known as 906 7th Street. The request is for a reduced side yard setback of three feet from the minimum five feet required for a detached accessory structure.

The request was denied at the October 21, 2021 Board of Adjustment meeting.

A previous detached garage with a 0.5-Foot side yard setback was demolished by the applicant who now has begun rebuilding a new detached garage in its place. The applicant was informed prior to construction that a five-foot side yard setback was required. During a field inspection, the new garage was observed to be noticeably less than five feet from the side property line. An adjacent property also has a detached garage aligned with the detached garage under construction at 906 7th Street. These two structures are less than five feet from one another. If the structure is approved at its current location, the west facing wall would need a one-hour fire rating. The applicant is proposing a 16-inch overhang. Only 12 inches would be approved along with the 1-hour fire rating.

The garage will be 900 square feet with a sidewall height of 10-feet and total height of 16-feet 4-inches.

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: A bathroom addition on the home's west side has created access constraints to the garage. The former garage was located 0.5-foot from the side lot line to the west which allowed access around the bathroom addition. The lot is 100 x 200 with roughly 12,000 square feet in the rear yard for a detached garage. The new garage could be repositioned and orientated to meet the 5-foot side yard setback while still providing appropriate car access.

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

Finding: The property is one of the larger lots in the vicinity which allows the applicant more flexibility in locating the new detached garage. All residential lots have a 5-foot minimum setback for accessory structures. The applicant mentions that a previous bathroom addition to the west side restricts access

alignment to the garage.

(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: Access to a detached garage is still available to the applicant. The garage may need to be reoriented in order to meet the required five-foot setback.

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

Finding: The requested variance would meet the current location of the under construction detached garage.

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

Finding: Reasonable use of the property is permitted.

Recommendation:

Staff recommends denial.

Attachments:

Notice

Application

Aerial Map

Site Plan

NOTICE OF HEARING
UPON APPLICATION FOR A VARIANCE

NOTICE IS HEREBY GIVEN that Brad and Kayla Lounsbury have made a request for a variance on Lots 13, 14, and the East 25' of Lot 15, Block 1 of Shepards Addition, also known as 906 7th Street. The request is for a three-foot setback for an accessory structure. The required setback for an accessory structure is five-feet.

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, October 21st, 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.

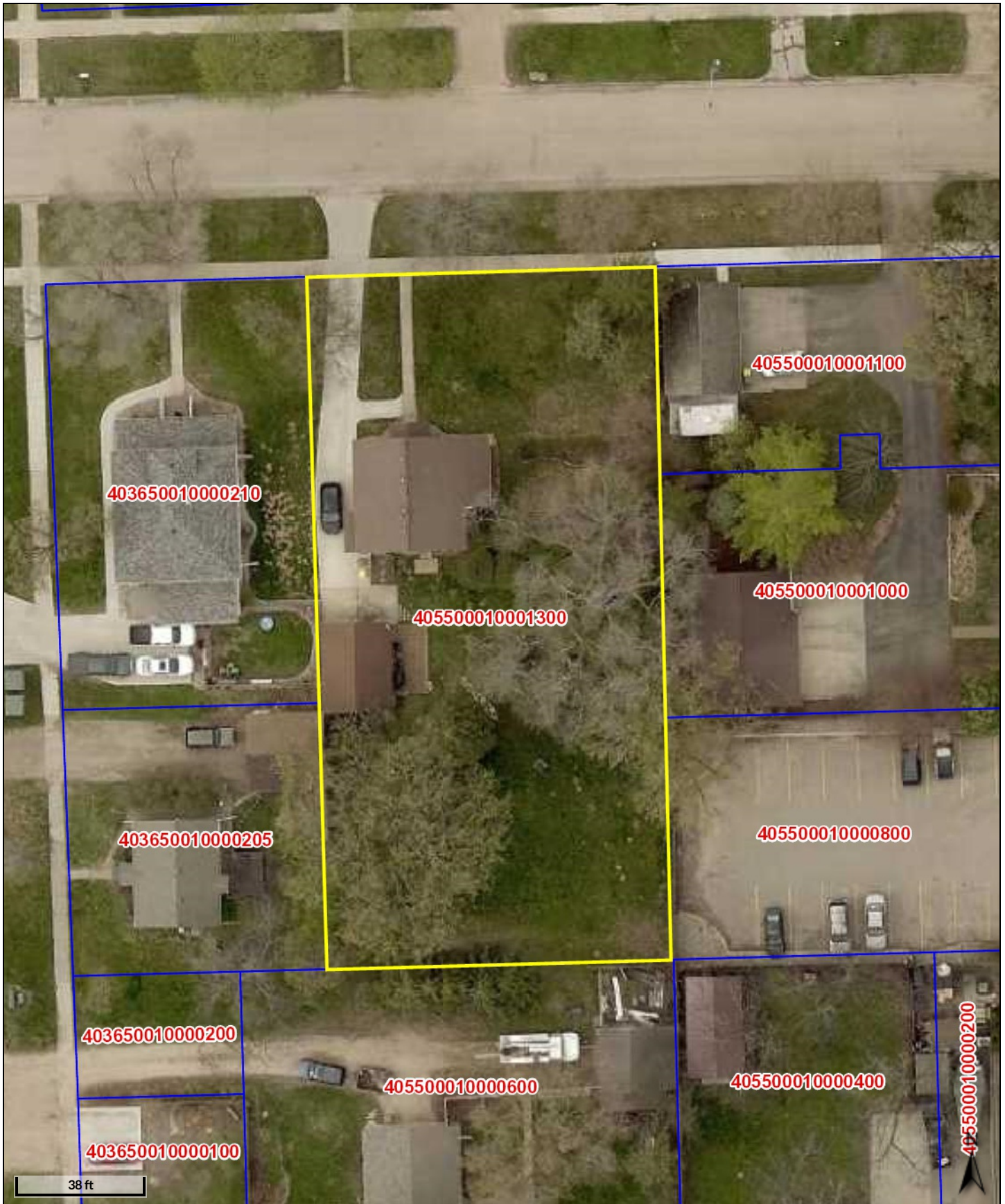
Dated this 8th day of October, 2021.

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 \$ _____.

Lounsbury Variance Request



Meeting Date: 10/21/2021

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

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

Name (applicant): Brad & Kayla Lounsbury Phone: (208) 569-1569

Address: 906 7th St. Brookings SD 57006 Email: bradlounsbury@me.com

Name (owner): Kayla Lounsbury Phone: (208) 569-9563

Address: same as above Email: kaylalounsbury@me.com

Property address where variance is sought: 906 7th St.

Legal Description: Lots 13, 14 & the east 25' of lot 15,
Block 1, Shepard's Addition to the City of Brookings

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: building garage 3ft off
of property line instead of 5 ft.

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:

Previous existing garage was 0.5 ft off property line
to allow car passage by bathroom addition off
the side of the home. We are requesting that
the setback requirement be adjusted to 2.5 ft to
allow new garage to be usable like the
existing garage was but still compromising by
moving it 2 ft more off the property line.

Applicant's Signature: _____ Date: _____

Owner's Signature: Kayla Rushing Date: 10/2/2021

BOARD OF ADJUSTMENT

Decision: _____

Chairperson, Board of Adjustment

Date

TITLE INSURANCE DRAWING

(FOR MORTGAGE PURPOSES ONLY)

FOR: FAIRWAY INDEPENDENT MORTGAGE CORP
2101 W. 41st STREET, STE 10
SIOUX FALLS, SD 57105

LEGAL DESCRIPTION:

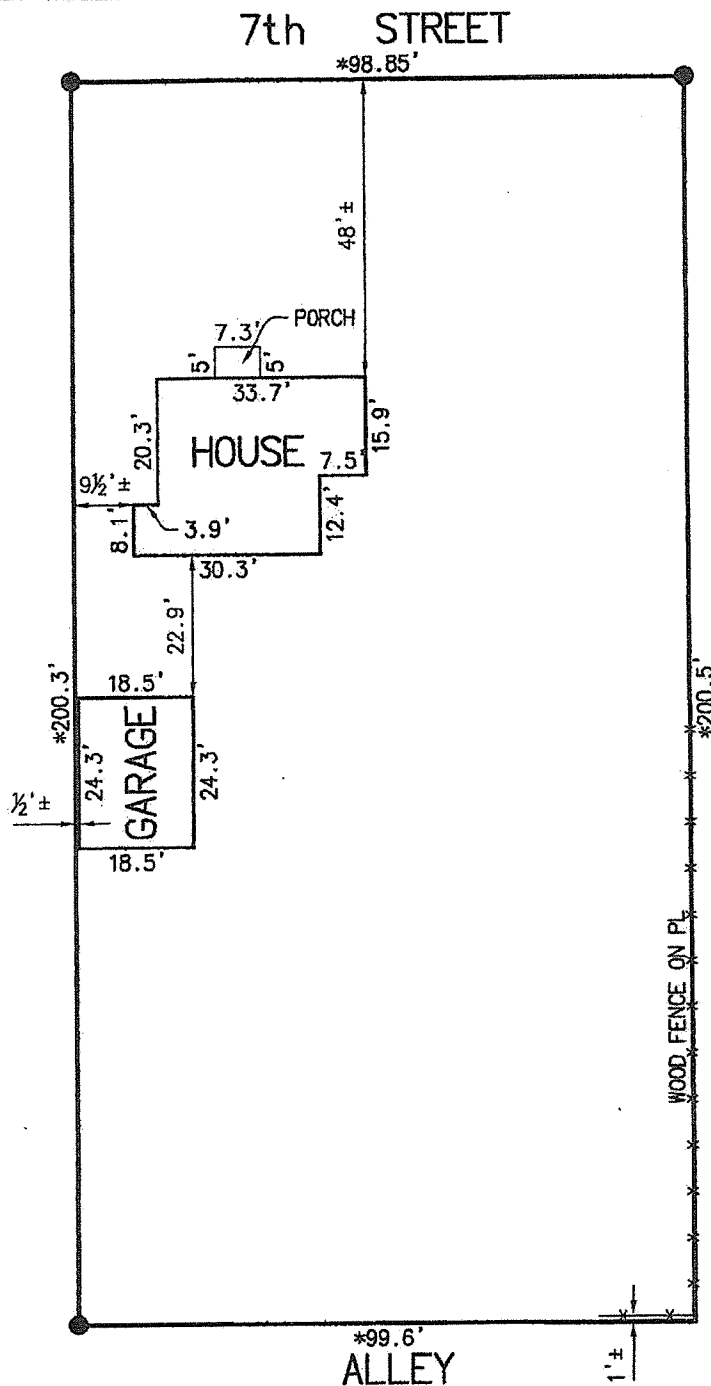
LOTS 13, 14, & THE EAST 25' OF LOT 15,
BLOCK 1, SHEPARDS ADDITION TO THE
CITY OF BROOKINGS, BROOKINGS
COUNTY, SOUTH DAKOTA.



SCALE: 1"=30'

LEGEND:

- FOUND 3 PINS
- * PLAT DIMENSION
- () FIELD MEASUREMENT



OWNER: KAYLA LOUNSBURY
906 7th STREET, BROOKINGS, SD 57006

SURVEYOR'S STATEMENT

Field work performed to determine approximate location of structures on lot. A detailed field survey must be completed to determine and verify the exact location of property corners and property lines.

Brian D Ernst
Brian D. Ernst, PLS 11114

10/16/2020
Date

NOTES:
THIS IS NOT A BOUNDARY SURVEY.

THIS EXHIBIT SHALL NOT BE USED AS AN EASEMENT OR RECORDED EXHIBIT OR FOR CONSTRUCTION PURPOSES, INCLUDING BUT NOT LIMITED TO STRUCTURES, FENCES, UNDERGROUND SPRINKLER SYSTEMS, ETC.

FORESIGHT
LAND SURVEYORS

1311 MAIN AVE. S, BROOKINGS, SD 57006
PHONE: 605.695.6442 Foresight@brookings.net

DATE: 10/16/2020

J.N. 20-0506

906 7th St.

74'

scale of
Galaga
15 square

Elevation

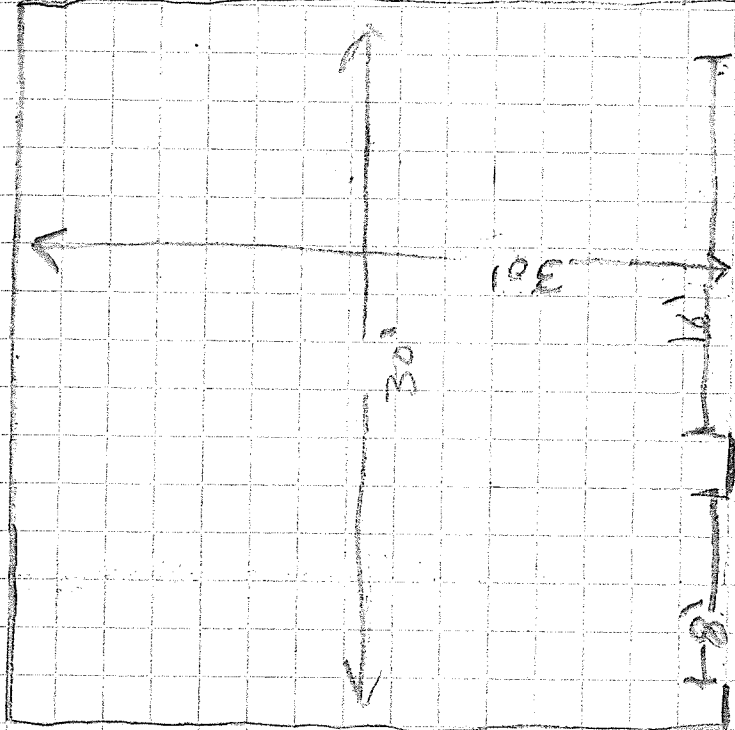


2x4 Wall

2x6 Front Wall

1' monolithic pour

existing
1/2"



21' 1/2"

Existing Structure

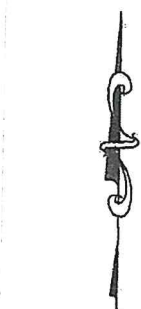
TITLE INSURANCE DRAWING

(FOR MORTGAGE PURPOSES ONLY)

FOR: FAIRWAY INDEPENDENT MORTGAGE CORP
2101 W. 41st STREET, STE 10
SIOUX FALLS, SD 57105

LEGAL DESCRIPTION:

LOTS 13, 14, & THE EAST 25' OF LOT 15,
BLOCK 1, SHEPARDS ADDITION TO THE
CITY OF BROOKINGS, BROOKINGS
COUNTY, SOUTH DAKOTA.



0 30'
SCALE: 1"=30'

LEGEND:

- FOUND 3 PINS
- * PLAT DIMENSION
- () FIELD MEASUREMENT

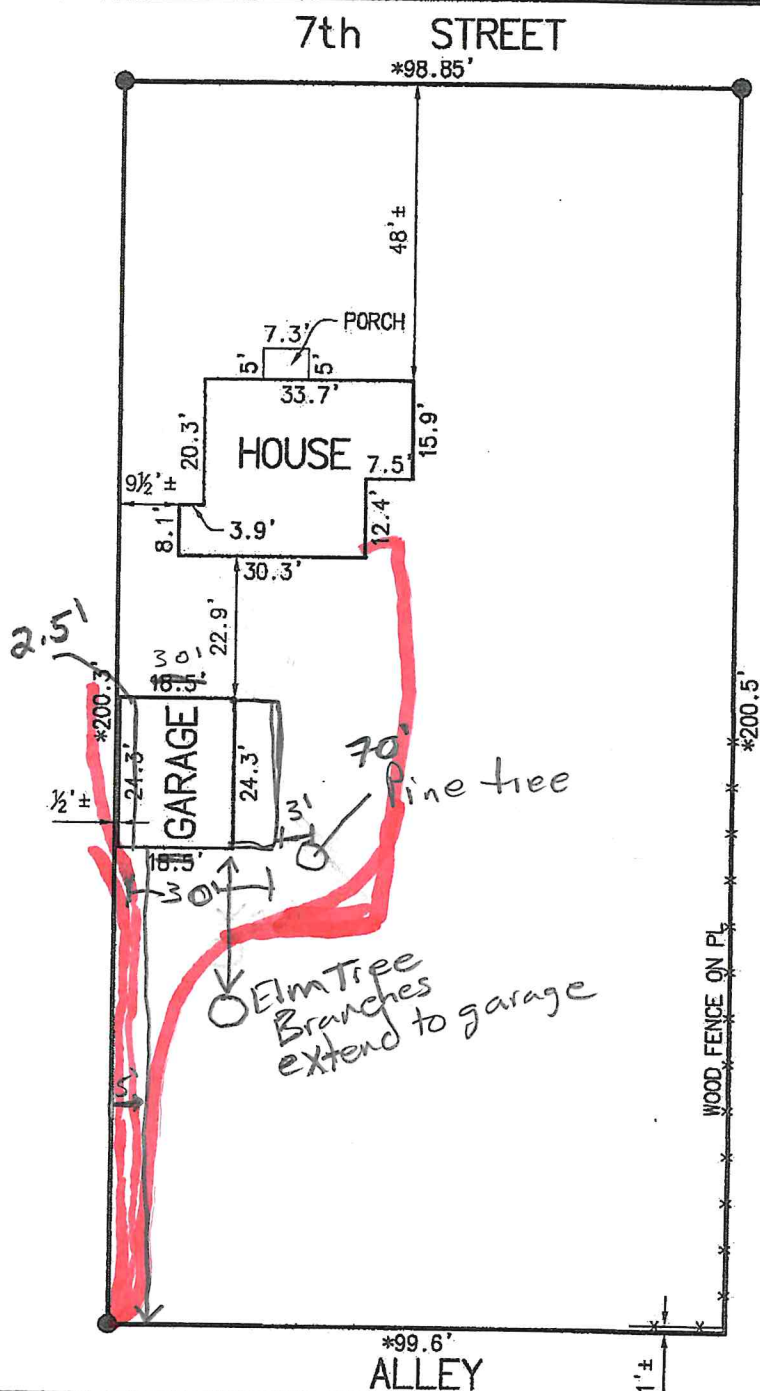
OWNER: KAYLA LOUNSBURY
906 7th STREET, BROOKINGS, SD 57006

SURVEYOR'S STATEMENT

Field work performed to determine approximate location of structures on lot. A detailed field survey must be completed to determine and verify the exact location of property corners and property lines.

Brian D Ernst
Brian D. Ernst, PLS 11114

10/16/2020
Date



NOTES:
THIS IS NOT A BOUNDARY SURVEY.

THIS EXHIBIT SHALL NOT BE USED AS AN EASEMENT OR RECORDED EXHIBIT OR FOR CONSTRUCTION PURPOSES, INCLUDING BUT NOT LIMITED TO STRUCTURES, FENCES, UNDERGROUND SPRINKLER SYSTEMS, ETC.

FORESIGHT
LAND SURVEYORS
1311 MAIN AVE. S, BROOKINGS, SD 57006
PHONE: 605.695.6442 Foresight@brookings.net

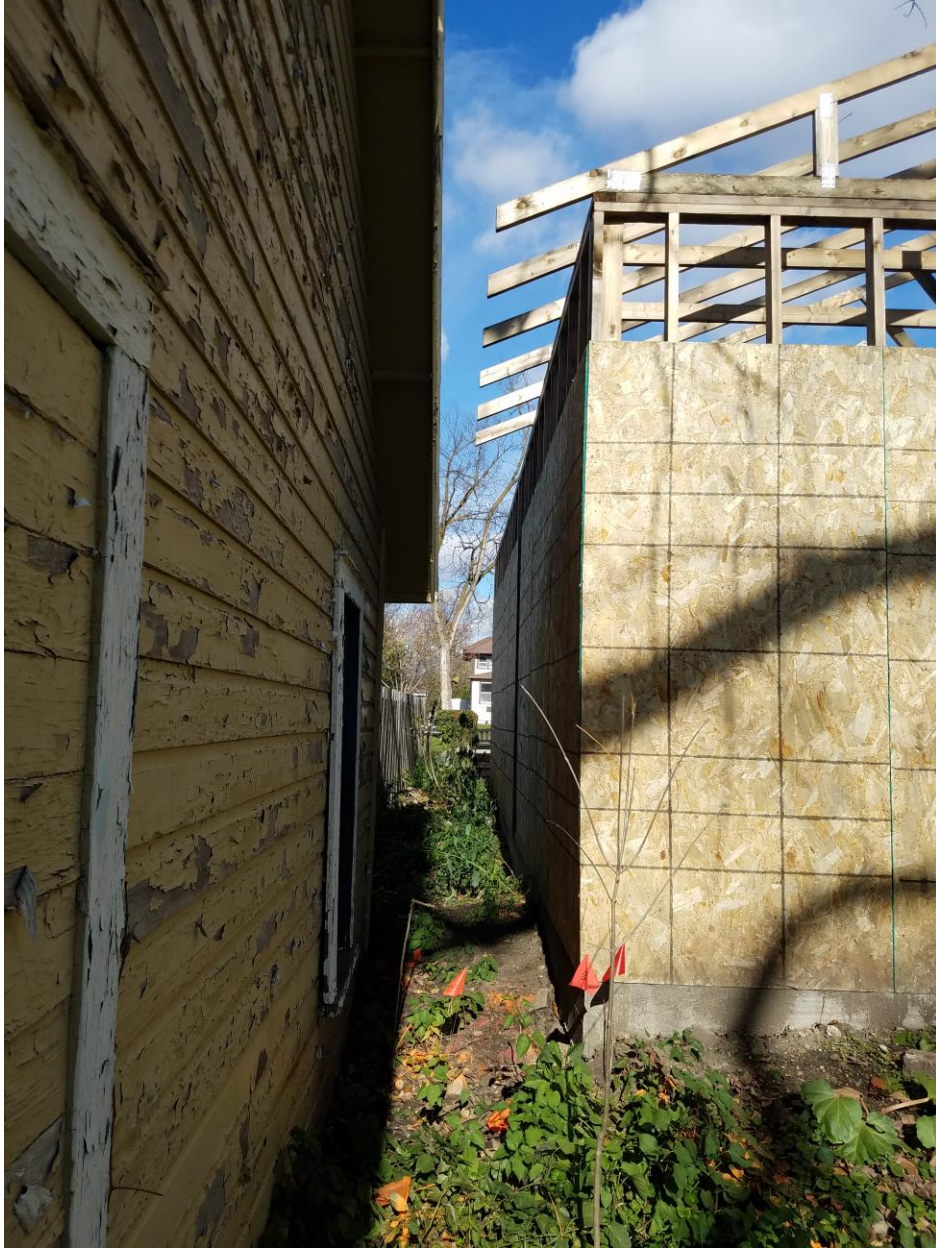
DATE: 10/16/2020

J.N. 20-0506













Staff Report

File #: ID 21-0525, **Version:** 1

Prairie Hills LLC Variance Requests - Front and Side Yard Setbacks 804, 809, 810 and 812 Sunflower Road

Summary:

Prairie Hills LLC has requested variances to the front yard setbacks for 804 and 809 Sunflower Road and side yard setbacks for 810 and 812 Sunflower Road. The foundations for 804 and 809 Sunflower Road had already been poured prior to the identification of setback issues at 806 and 813 Sunflower Road which were brought to the Board of Adjustment on September 2, 2021. The homes at 810 and 812 Sunflower Road are already built.

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. 804 Sunflower Road has an existing front yard setback of 12' 5 1/4" from the dwelling to the back of curb. 809 Sunflower Road has an existing front yard setback of 16' 10 1/4" 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 810 Sunflower Road and 812 Sunflower Road is 12' 2 15/16" or just over 6' side setback for each.

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 or foundations 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 the requested variances.

Attachments:

Public Hearing Notice

Aerial Map

804 Sunflower Road

809 Sunflower Road

810 and 812 Sunflower Road

Application

NOTICE OF HEARING
UPON APPLICATION FOR VARIANCES

NOTICE IS HEREBY GIVEN that Prairie Hills LLC has made requests for variances on 804, 809, 810 and 812 Sunflower Road, Block 6 of Prairie Hills Addition. The requests are 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, November 4th, 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 22nd day of October, 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.

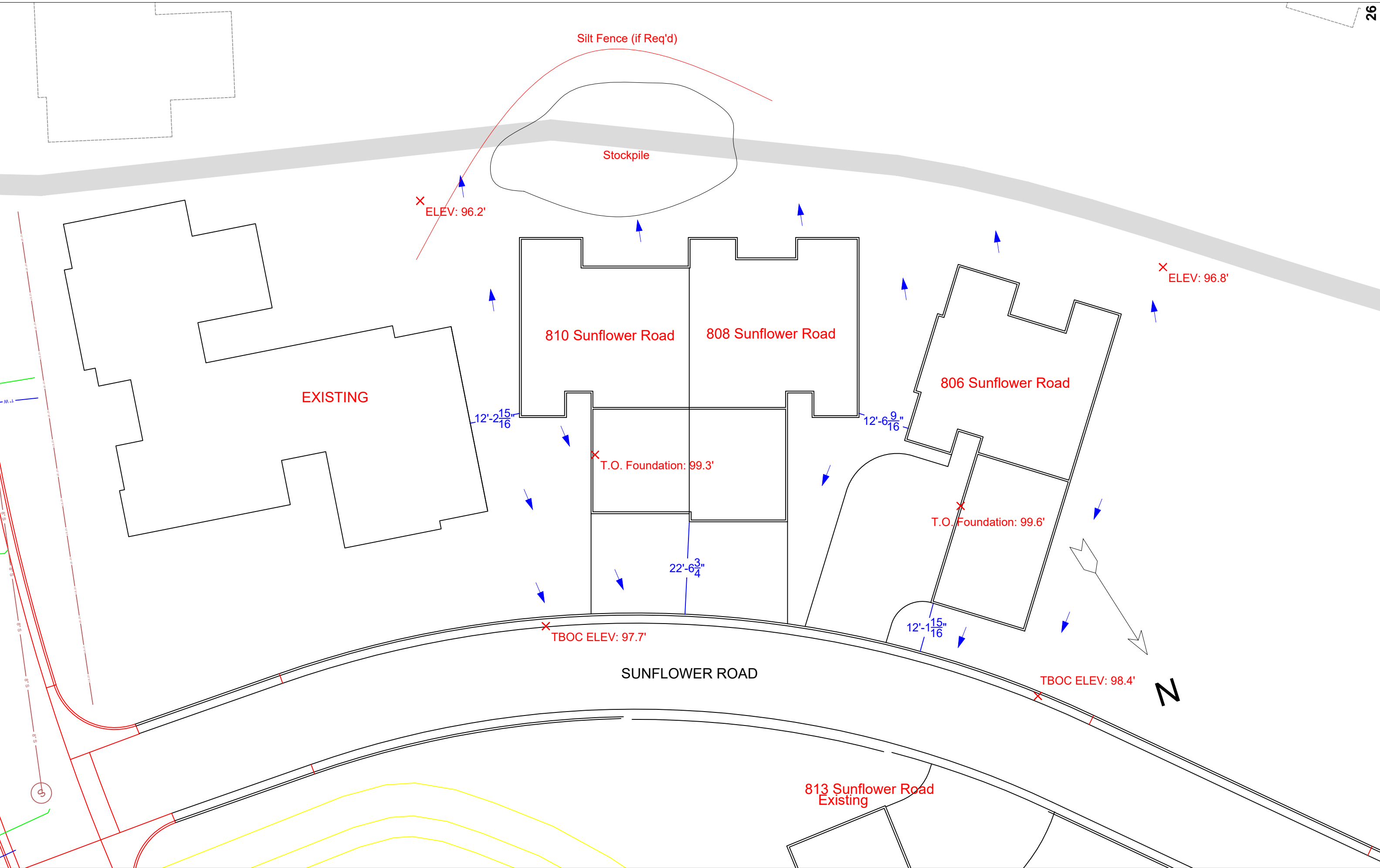
Published _____ time(s) at an approximate cost of \$ _____.

804, 809, 810 and 812 Sunflower Road









Meeting Date: 11/4



**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 LLC Phone: 697-3118

Address: 1323 Main Ave S Email: jacob@mills-development.com

Name (owner): Prairie Hills LLC Phone: same

Address: same Email: _____

Property address where variance is sought: 812, 810, 804, 811, 809 Sunflower Rd.

Legal Description: ~~Block 6~~ lot A & C in block 6

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: 2 front set backs & 2 side setbacks for units already partially constructed.
was discussed at the time of previously granted variance,
but not enough detail at that time to complete all units under

Brief statement explaining how your request meets the following criteria: one variance request.

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:

Units already constructed prior to understanding
there was an issue...





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 21-0526, **Version:** 1

EC Properties Special Exception Request - 1728 US Hwy 14

Summary:

EC Properties is requesting a special exception use for a contractors shop and storage yard in the Joint Jurisdiction Business JJ-B3 heavy district.

The property is located just west of the US 14 interchange west of Brookings. The property was recently rezoned to Joint Jurisdiction JJ-B3 which allows contractors shops and storage yards by way of special exceptions by the Board of Adjustment.

The applicant has recently replatted the property and opened up space for their own business plus additional space to rent to another contractor. A storage yard will be needed for one or more of the businesses.

Adjacent properties to the east and west include similar JJ-B3 zoning districts with similar uses. The property to the north is zoned Joint Jurisdiction JJ-A Ag district. The property is bounded by US Hwy 14 to the south.

Recommendation:

Staff recommends approval of the special exception request with the following conditions:

- Such uses shall screen all outdoor storage from adjacent properties
- Service vehicles shall be localized in an area on the lot which will minimize the impact upon adjacent uses
- Any lighting of the storage yard shall not cause a glare onto residential properties

Attachments:

Notice
Application
Aerial Map
Zoning Map
Site Plan

NOTICE OF HEARING
UPON APPLICATION FOR A SPECIAL USE EXCEPTION

NOTICE IS HEREBY GIVEN that EC Properties has made a request for a special use exception for a contractor's shop and storage yard on Lot 3 of Flycat Addition, also known as 1728 W US Hwy 14.

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, November 4, 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 22nd day of October, 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 \$ _____.

APPLICATION FOR A SPECIAL USE EXCEPTION

EC Properties by Caleb Svartstien the undersigned, being the owner(s) of record of the following described real estate situated in the City of Brookings, Brookings County, South Dakota, to wit:

- Lot 3 of Flycat Addition in the SE 1/4 of
the SE 1/4 of the SE 1/4 of Section 16,
T 110N, R 50W of the 5th P.M., Brookings County,
South Dakota

do hereby petition the Board of Adjustment that a Special Use Exception be issued for the above described property.

Street Address 1728 W. U.S. Hwy 14

Proposed Use Contractor Shop & Storage Yard

Existing Land Use Office Zoning JS-B3

Surrounding Land use: North Ag B3

South Ag

East JS-B3

West JS-B3

Petitioner (print) Caleb Svartstien

Address 1728 W. U.S. Hwy 14
Brookings, SD 57006

Date 10-14-21

Signature [Signature]

Owner (print) Caleb Svartstien

(if different than petitioner)

Address 1523 King Arthur Ct.
Brookings, SD 57006

Date 10-14-21 Phone 605-661-6872

Signature _____

Office Use Only

Date rec'd 10/14

Fee \$250 Pd. 10/14

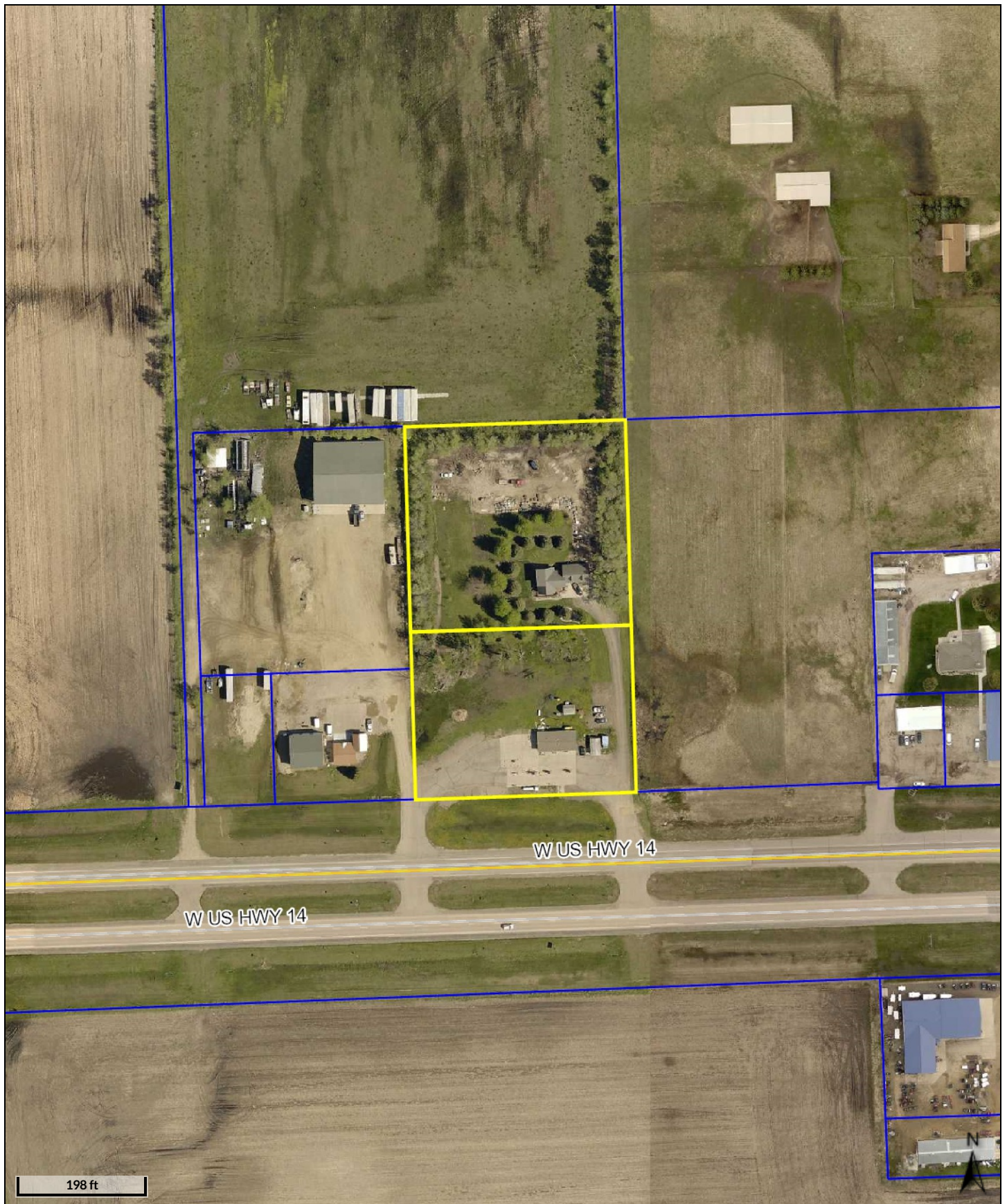
Site Plan Received

Signs issued _____

Checked by _____

Ordinance _____

1728 US Hwy 14



1728 US Hwy 14 Zoning Map

