



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.

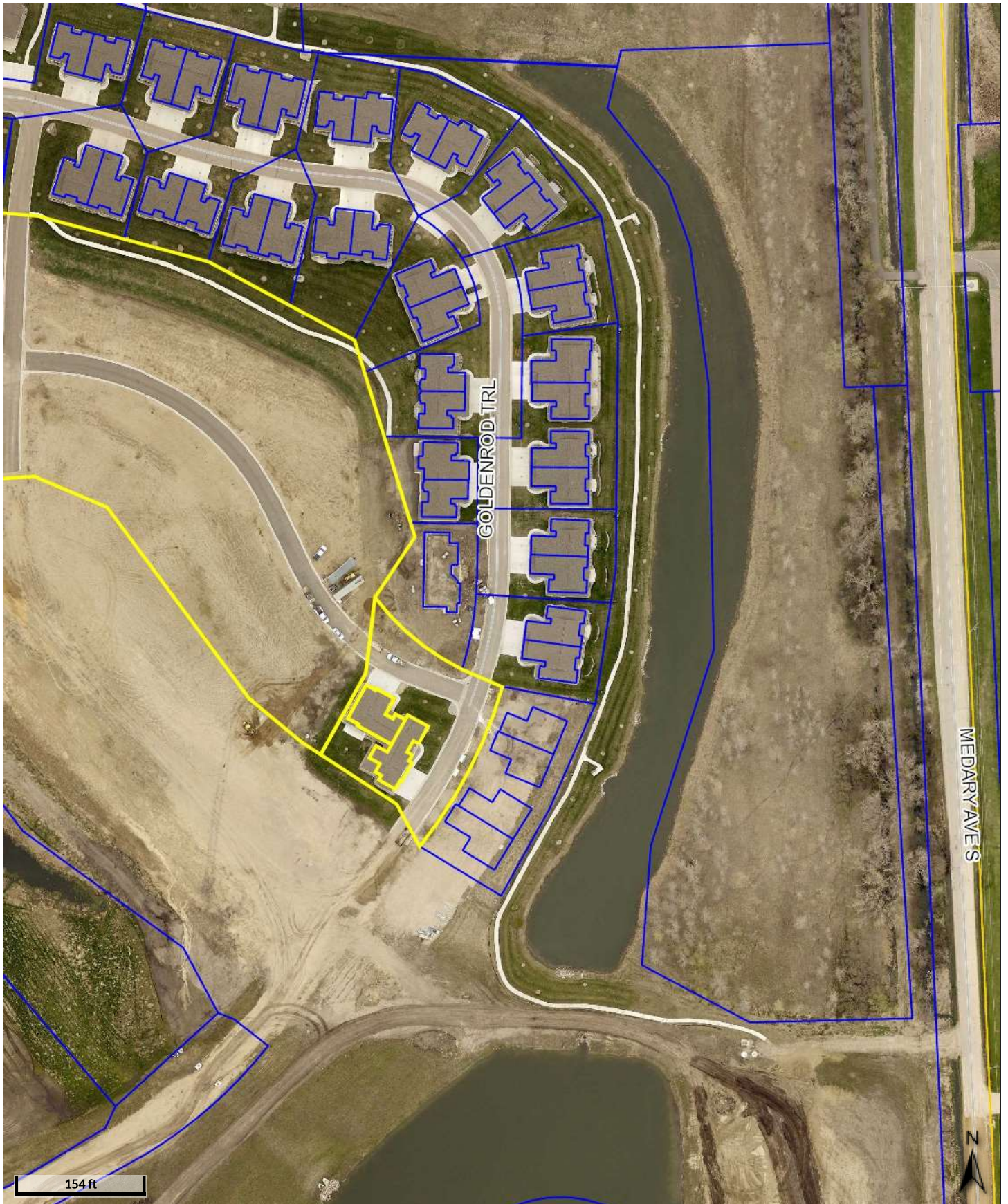
Dated this 22nd day of October, 2021.

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.

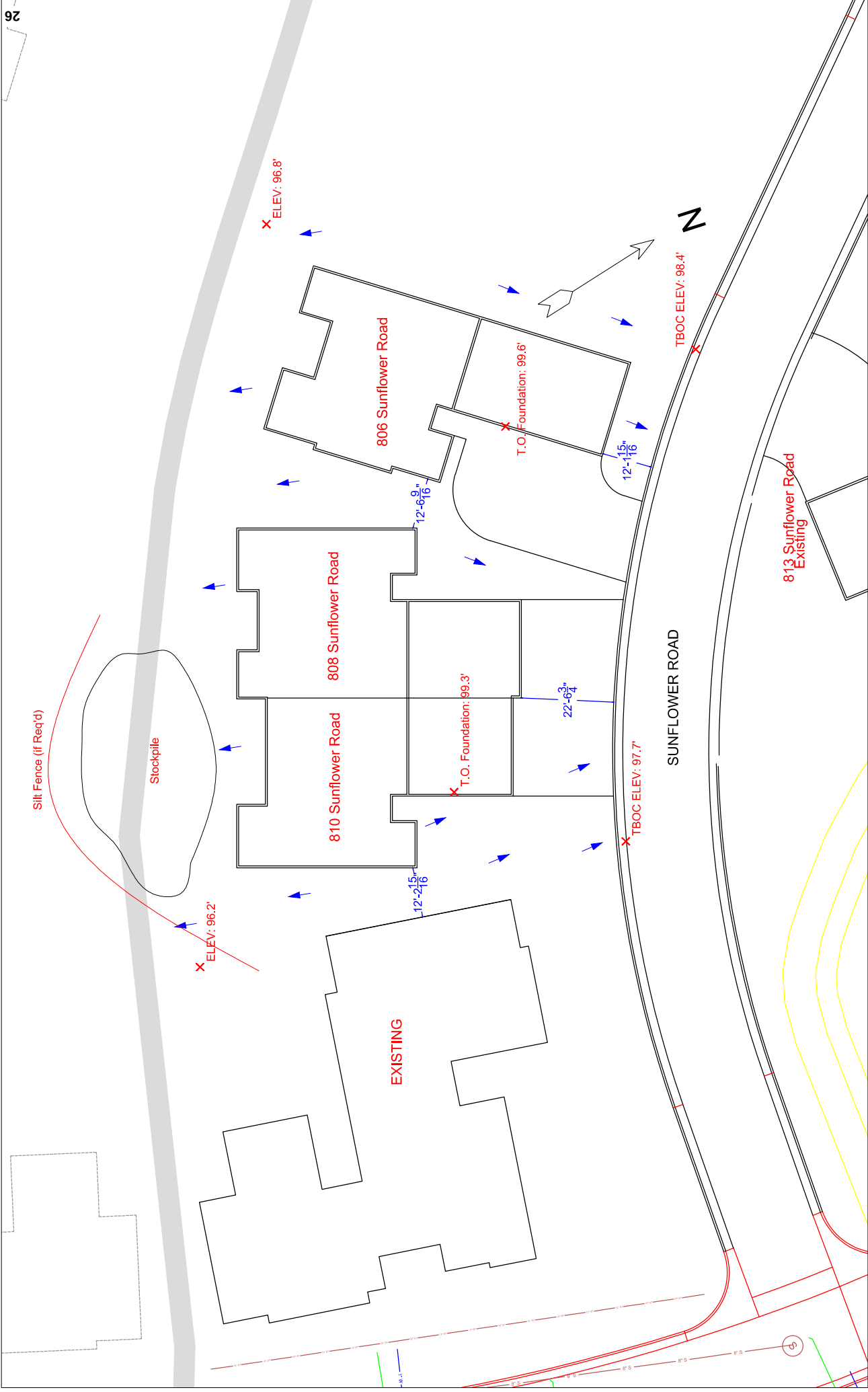
Published _____ time(s) at an approximate cost of \$ _____.

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...