Board of Adjustment
Brookings, South Dakota
May 21, 2020

# OFFICIAL MINUTES

Vice-Chairperson Justin Borns called the Board of Adjustment meeting to order on Thursday, May 21, 2020 at 5:00 PM in the Community Room of the City & County Government Center. Members present were Dustin Edmison, Nick Schmeichel, Jeremy Scott, alternate-Doug Metcalf, alternate-Matt Chandler and Borns. Houtman was absent. Others present were City Planner Staci Bungard, Community Development Director Mike Struck, Kyle Fergen, Walter (Buster) Vincent, Matt Gorder, Curt Roland representing Peska/Avangrid, McLane Mertz, Jason Smidt representing Brookings High School.

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

**Item #3** – (Scott/Schmeichel) Motion to approve the April 16, 2020 minutes. All present voted aye. **MOTION CARRIED**.

**Item #4a –** Kyle Fergen has made a request for a variance on Lot 7, Block 2, Petersons Addition, also known as 724 Main Ave. The variance request is to construct a garage which would bring the amount of accessory square footage to 1,056. The ordinance restricts accessory uses to 1,000 square feet of all buildings/floors combined.

(Schmeichel/Metcalf) Motion to approve the variance request. Scott voted yes. All others voted no. **MOTION FAILED.**

**Item #4b –** Walter and Alisha Vincent made a request for a variance on the West 151 Feet of Outlot 16 in the SE ¼ of Section35-T110N-R50W, also known as 117 20th Street South. The variance request is to construct an accessory structure with 16 foot sidewalls. Accessory structure sidewalls are limited to 12 feet in residential districts.

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

**Item #4c –** Matt Gorder made a request for a variance on Lots 6 & 7, Block 12, Folsom Addition, also known as 166 & 170 1st Avenue South and generally located at the NW corner of 1st Avenue South and West 2nd Street South. The first variance request is for a 10 foot landscape buffer area. The second request is for two (2) driveways along 1st Avenue South. The third request is for driveway spacing distances from the corner of West 2nd Street South to 1st Avenue South and Division Avenue. The fourth request is a larger driveway width. The ordinance requires a 50 foot landscaped buffer area, permits one (1) access drive to 1st Avenue South, requires a 60 foot driveway spacing offset from a major collector street, and restricts commercial driveway widths to 30 feet.

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

Schmeichel made a motion to rescind the motion. All present voted aye. **MOTION CARRIED.**

(Schmeichel/Edmison) Motion to approve the 1st variance request for a 10 foot landscape area buffer with the installation of screening on the north property line. All present voted aye. **MOTION CARRIED.**

(Schmeichel/Metcalf) Motion to approve the 2nd variance request for two driveways along 1st Avenue South. All present voted aye. **MOTION CARRIED.**

(Scott/Schmiechel) Motion to approve the 3rd variance request for driveway spacing distances from the corner of West 2nd Street South to 1st Avenue South and Division Avenue.

(Schmeichel/Edmison) Motion to amend the original request and require a 30' offset distance from the intersection. All present voted aye. **AMENDMENT CARRIED**.

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

Variance request #4 is not applicable as the applicant has changed the size of his building and the access drive width allowed by right is 30' wide.

**Item #4d –** Peska Three, LLC made a request for a variance on Lot 3, Block 11, Freeland Addition, also known as 2320 32nd Avenue. The variance request is to construct a 70 foot wide driveway for large semi-trailers. The ordinance restricts commercial driveway widths to 40 foot for businesses with routine semi-trailer traffic.

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

**Item #4e –** McLane Mertz made a request for a variance on Lot 1, Block 3, Hunters Ridge Addition, also known as 1637 Cardinal Drive. The first variance request is to establish parking area in the front yard. The second request is for a 38 foot driveway width. The ordinance prohibits parking in the front yard and allows for a maximum driveway width of 36 feet.

(Schmeichel/Scott) Motion to approve the first variance request to establish parking in the front yard.

(Schmeichel/Scott) Motion to amend the original motion and remove the option to have a second access drive off of Hunters Ridge Road. All present voted aye. **AMENDMENT CARRIED.**

Original motion as amended was voted on. All present approved aye. **MOTION CARRIED.**

(Scott/Edmison) Motion to approve the 2nd variance request for a 38 foot driveway width. All present voted aye. **MOTION CARRIED.**

**Item #4f –** Brookings School District made a request for a variance on Lot 3, Parkview Second Addition, also known as 621 Medary Avenue. (Northeast corner of Medary Avenue South and 8th Street South) The variance request is to replace the existing electronic message display (EMD) sign with a new 53 square foot EMD sign. The ordinance limits institutional signage to 32 square feet.

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

The meeting was adjourned at 6:15 p.m.

Staci Bungard
City Planner

Justin Borns
Vice-Chairperson

Board of Adjustment
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# OFFICIAL SUMMARY

Vice-Chairperson Justin Borns called the Board of Adjustment meeting to order on Thursday, May 21, 2020 at 5:00 PM in the Community Room of the City & County Government Center. Members present were Dustin Edmison, Nick Schmeichel, Jeremy Scott, alternate-Doug Metcalf, alternate-Matt Chandler and Borns. Houtman was absent. Others present were City Planner Staci Bungard, Community Development Director Mike Struck, Kyle Fergen, Walter (Buster) Vincent, Matt Gorder, Curt Roland representing Peska/Avangrid, McLane Mertz, Jason Smidt representing Brookings High School.

**Item #4a –** Fergen would like to build a garage and would like to build it 56 square feet larger than what the ordinance allows. The current shed isn't big enough to park a vehicle into it. He would like to construct a garage near the rear of the yard to allow him to be able to park a couple of vehicles and a trailer in. The current shed is still in good condition so he would prefer not having to remove it. The garage will be 28'x30' and he will have a 16' garage door. Schmeichel wondered if the pad that was poured has anchor bolts in it. Fergen stated no. Schmeichel asked if he could build the garage 28'x28'. Fergen feels that the additional square footage would allow him space to also park a boat in the garage. Metcalf questioned the building permit that was issued in 2017 for a 26.5'x26.5' slab. Fergen explained that he had planned to move in a garage back then and that plan fell through. Scott asked if the setbacks would be met if they built the 28'x30' garage. Bungard explained that there isn't a setback issue on this lot. Borns asked why the pad was built at 28'x30' if the permit was for 26.5'x26.5'. Fergen didn't realize that he couldn't increase his pad size without permission.

**Item #4b –** Vincent spoke with City staff to see what his options were to build an accessory structure. To fulfill what Vincent was wanting to accomplish, which was a basketball court in this structure, they realized they would need 16 foot sidewalls. His original plans showed bathroom fixtures, but they have decided to scratch this due to expenses for water and sewer.

**Item #4c –** Gorder explained that he would like to build a new building on this property and he would like to build it closer to the north property line. He would like to have parking area along the length of the building on the south side. He explained that he was working with his contractor and they are going to adjust the size of the building and make it 30 feet, so 10 feet narrower. Struck explained that this would then eliminate the variance for the 40' driveway width. Struck also stated the city staff would prefer to see no access drives off of W 2nd Street S and would favor the two drives off of 1st Ave S. A 30' driveway width is acceptable without a variance if the applicant chooses to make his building smaller.

Chandler questioned if the Board should require a certain distance between the two driveways so they aren't continuous. Gorder stated he plans to install landscaping for greenspace between the two drives so they will not be continuous. Edmison feels that if the Board approves the 2 driveways, then the City will need to enforce the widths of the drives.

**Item #4d –** Roland explained that the current approach is 40' wide. They will be transporting in wind tower blades and the turning radius of the truck/trailer is significantly large. To extend the width of the approach would save damage to curb and gutter but would also save on time for drivers to be able to pull in without having to raise the loads and make adjustments. Roland explained that there will not be a large amount of traffic to the business.

Roland is wondering if they will be allowed to keep their 40' access drive to the north. Struck explained that 30' is what is allowed by ordinance but administratively, the 40' access drive can be approved by the City Engineer.

**Item #4e –** Mertz is looking to provide more parking on their property to take vehicles off of the street. They are going to add a parking pad to the side of their garage and will need a drive/parking area leading to pad. Bungard explained that this is a corner lot, so the applicant could install a parking pad in the backyard of this property. However, staff would prefer that the applicant add the parking pad to the side of the garage.

Schmeichel asked Mertz why they chose to go 38' rather than the 36'. Mertz explained that the contractor suggested this.

**Item #4f –** Smidt explained that the current board is 15 years old and is ready for an upgrade. This new sign will be slightly larger and will have additional options available to them. Borns asked if this will be in the same location. Smidt stated yes, they are going to utilize the current base.

The meeting was adjourned at 6:15 p.m.

Staci Bungard
City Planner

Justin Borns
Vice-Chairperson