

## Legislation Text

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**File #:** ID 20-0059, **Version:** 1

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Grayson Variance Request - Orchard Drive - Construct building 10 foot from rear property line and provide a 30' landscape buffer

### **Summary:**

The applicant is seeking a variance to construct a new commercial building ten (10) feet from the rear property line. The second request is to construct a parking lot 30 feet from the west side property line. The ordinance requires a 20 foot rear yard setback and a 40 foot landscaped setback abutting a residential district along the west property line.

### **Background:**

The vacant property is located near the intersection of 22nd Avenue South and Orchard Drive. The applicant would like to construct a new commercial building closer to the rear property line, which abuts the railroad right-of-way. The property is adjacent to a residential district on the west side which triggers a 40 foot landscape buffer from any structure, access drive, or parking lot. The applicant is proposing a 30 foot landscaped area instead of the required 40 foot.

There is a 10 foot utility easement along the north property line. Brookings Municipal Utilities (BMU) has commented the structure and footings will need to remain outside of the utility easement.

### **Variance Criteria:**

**1. Due to special conditions, a literal enforcement of the provisions of this 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 the variance.**

*The shape of the commercial property is unique as it is only 145 feet deep. The ordinance requires a 25' front yard setback and a 20' rear yard setback which leaves 100' of buildable area. Parking, landscaping, and drainage also need to be accommodated on the site. The location is also unique as the site abuts the railroad tracks on the north side. The required 40' landscape buffer on the west side takes additional space from the developable area.*

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

*The shape and the location of the property make it somewhat unique as many other commercial lots have a greater lot depth.*

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

*Other properties in the B-2 District have received variances for setbacks and the landscape buffer.*

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

*The request seems to be the minimum variance necessary to alleviate the hardship.*

**5. Reasonable use of the property is not permitted under the terms of this chapter.**  
*There is reasonable use of the property.*

**Staff Recommendation:**

Staff recommends approval of both variance requests with the following conditions:

1. The footers/structure shall not encroach into the utility easement along the north property line.
2. The applicant shall maintain a landscape buffer consisting of trees and shrubs along the west property line as shown on the site plan.

**Attachments:**

Notice

Application

Aerial Map

Site Plan

Plat