

## **BROOKINGS COUNTY PLANNING & ZONING COMMISSION**

**BROOKINGS CITY & COUNTY GOVERNMENT CENTER  
520 3rd St, 310 Chambers, Brookings, SD 57006**

### **AGENDA**

1. **Call to Order at 8:00 PM on September 6th, 2016**
2. **Approval of Minutes from August 2nd, 2016 meeting**  
Documents:  

[August 2nd, 2016 Meeting Minutes - Draft.pdf](#)
3. **Items to be Added to Agenda by Commission Members or Staff**
4. **Invitation for Citizens to Schedule Time on the Commission Agenda for an Item Not Listed**  
*(Time limited to 5-minutes per person to address the commission.)*
5. **Approval of Agenda**
6. **Convene as Brookings County Board of Adjustment**  
*(The Board of Adjustment needs 2/3 approval of the full board to approve any agenda item.)*
7. **2016VAR017**  
2016var017: Kleinjan Farms, Inc. has made an application, 2016var017, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 3: Side Yard: The minimum width of a side yard shall be twenty-five (25) feet. The property is described as: "N 179' of Block 2 of the Plat of Block 1 & 2 of Man's Addition in E1/2 of Section 21, T111N, R51W (Oakwood Township)."  
Documents:  

[2016var017 Staff Report.pdf](#)
8. **Convene as Brookings County Planning and Zoning Commission**
9. **2016CU018**  
2016cu018: Kevin Rollag has made an application, 2016cu018, to the Brookings County Planning and Zoning Commission for a conditional use; Article 13.00: "LP" Lake-Park District: Section 13.01: Conditional Use Permit # 6: Accessory building with a side-wall greater than ten (10) feet or more than 1,000 square feet. The property is described as: "Lot 9 in Block 2 in Sunset Point Addn in Govt Lots 3 & 4 of Section 22, T112N, R47W (Lake Hendricks Township)".  
Documents:  

[2016cu018 Staff Report.pdf](#)

10. **Consideration of Plats**

A. **2016plat007**

2016plat007: "Plat of Tract 3 and Tract 4 of Lass Addition in the NW1/4 of Section 14, T109N, R50W of the 5th P.M., Brookings County, South Dakota."

Documents:

[2016plat007 Staff Report.pdf](#)

B. **2016plat008**

2016plat008: "Plat of Block 1, Danielsen's Subdivision being located in the Northeast ¼ of the Northeast ¼ of Section 5, Township 111 North, Range 50 West of the 5th P.M., Brookings County, South Dakota."

Documents:

[2016plat008 Staff Report.pdf](#)

11. **Department Reports**

12. **Adjourn**

13. **Public Notices**

**Brookings County Zoning Office \* Brookings City & County Government Center \* 520 3rd Street, Suite 200 \* (605) 696-8350 \* [www.brookingscountysd.gov](http://www.brookingscountysd.gov)**

BROOKINGS COUNTY DEVELOPMENT DIRECTOR  
BROOKINGS CITY & COUNTY GOVERNMENT CENTER  
520 3rd Street, Suite 200  
BROOKINGS, SOUTH DAKOTA 57006  
(605)-696-8350  
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TELEPHONE (605) 696-8350  
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### **August 2nd, 2016 Minutes**

Brookings County Planning & Zoning Commission  
August 2nd, 2016 – 8:00 PM  
Brookings City & County Government Center  
310 Chambers

Chair Robbins called the meeting to order at 8:00 PM. Commission members present were: Lee Ann Pierce, Robert Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Michael Vande Weerd, Randy Jensen, and alternate board members Tom Davis and Roger Erickson.

Chair Robbins read **agenda item # 2: Approval of minutes from July 5th, 2016 meeting.** Terrell Spence moved to approve the minutes. Darrell Nelson second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 3: Items to be added to agenda by commission members or staff.** No items were added.

Chair Robbins read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** No one scheduled time to address the board.

Chair Robbins read **agenda item # 5: Approval of Agenda.** Darrel Kleinjan moved to approve the agenda. Michael Vande Weerd second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 6: Executive Session: Discuss legal matters with legal counsel – SDCL 1-25-2(3) (Legal Counsel).** Lee Ann Pierce moved to go into executive session. Randy Jensen second. Chair Robbins called for a voice vote, 9-ayes, 0-nays, motion carried. Chair Robbins recessed the meeting to go into executive session at 8:02 PM. Chair Robbins reconvened the meeting at 8:06 PM. Lee Ann Pierce moved to come out of executive session. Kimberly Elenkiwich second. Chair Robbins called for a voice vote. 9-ayes, 0-nays, motion carried.

Chair Robbins stated, "We are now acting as the Brookings County Board of Adjustment", read the opening statement and **agenda item # 7: 2016var016: Danielle M. Schievelbein has made an application, 2016var016, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "E800' S580' in SE1/4 of Section 7, T109N, R48W (Parnell Township)" ~~ located at 47884 216<sup>th</sup> St, Aurora, SD 57002.** Robert Rochel moved to

approve the variance request. Terrell Spence second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Ms. Schievelbein has applied for a front yard variance to build an addition onto their residence. The 24 foot wide x 38 foot long residential addition would be 87 feet from the center of 216th St and 128 feet from 479th Ave., a variance of 46 feet from 216th St and a variance of 5 feet from the center of 479th Ave. The required setback distance is 133 feet from the center of the road. The current residence was built in 1974 prior to the current zoning ordinance. The southwest corner of the current residence is approximately 58 feet from the center of 216th St and southeast corner is 75 feet from 216th St as it sits at an angle. The lay of the land and the location of the septic system are hardships to consider. Adjoining landowners and the Parnell Township Chairman and Clerk were sent letters and no comments were received regarding this request." Mr. Haugen then described the site plan using visuals. Chair Robbins asked Ms. Schievelbein to come forward and address the board. The applicant identified herself as Danielle Schievelbein and stated, "We are planning on adding on a living area and a bedroom to the northeast and doing some remodeling on the inside and put on a garage addition at an angle to the house to the north." Chair Robbins opened up for questions from the board. Chair Robbins asked if any of the existing trees would be affected. Ms. Schievelbein noted that only 3 trees would be affected. Chair Robbins asked for further comments from the board, hearing none he opened up to the audience, hearing none. Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Pierce-aye, Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Robbins-aye. 9-ayes, 0-nays, Motion carried.

**Chair Robbins read agenda item # 8: 2016cu016: Theresa Bennett have made an application, 2016cu016, to the Brookings County Board of Adjustment for a conditional use. Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # 18: Extended home occupations: and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 20: Home extended business." The property is described as: "Collins Addition in NW1/4 of Section 4, T109N, R49W."~~ located at 47439 214th St, Aurora, SD 57002.** Kimberly Elenkiwich moved to approve the variance request. Lee Ann Pierce second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Theresa Bennett has applied for an extended home business to be able to host events like: vendor festivals, wedding receptions, reunions, dances, etc. at their rural residence. The property is located in the Brookings City/County Joint Jurisdiction Area. The building site is 20 acres and consists of their residence, a second house, garage, pole shed and several other buildings, along with the main building where they would host events. It is a 30 feet wide x 48 feet long barn, on the west side there is a 16 feet x 48 feet enclosed lean to and on the east side there is a 28 feet x 48 feet wide open lean to with a cement floor." Mr. Haugen went over the site plan and business plan that was submitted and noted that the approximate business hours would be 9:00 AM to 12:00 AM. Mr. Haugen also noted that Brookings City Community Development Director Mike Struck, reviewed the application and had no objections to the request. Statements were read from adjoining landowner's and neighbors Norma Jensen & Rex Collins. The statements read, "I have no issues with Mike

and Theresa Bennett having events at their farm” and was dated July 7<sup>th</sup>, 2016. Chair Robbins asked the Bennett’s to come forward and address the board. They identified themselves as Theresa and Mike Bennett. Ms. Bennett then stated, “We are having weddings, wedding receptions, we do an outdoor quilt show and we would like to do an all-day event with craft and food vendors, along with dances and music.” Chair Robbins opened up for questions from the board. Board member Elenkiwich stated, she had two questions: “1) A lot of events are in the barn area, will you be having other events in the other large open areas? 2) Is there a road agreement?” Mike and Theresa Bennett noted that the barn was the main area used but weddings had taken place in the larger open areas. Mr. Haugen stated, “The townships were contacted and we have not heard anything back as far as a road agreement.” Board member Nelson asked questions regarding: 1) contact with the Sheriff’s office and 2) road conditions to the west with the construction and a new sewer line going in. Theresa Bennett stated, “We have contacted the Sheriff’s office previously and have had no issues. But, we have not contacted them in the past before each event.” Ms. Bennett noted that the road was in better shape than in the past and was hopeful that it would improve more once the current construction in the area was completed. Board member Pierce asked questions regarding: 1) Number of events they would like to host in a year and if any events are hosted in the winter? 2) What is the largest size of group anticipated and largest number on site at one time? 3) Alcohol, do you sell or provide alcohol at events? 4) Issignage an issue? Mike and Theresa Bennett stated, “We would host 10-12 events and we don’t host events in the winter. We have hosted a wedding that was attended by 350 people and another event that was attended by 350-400 people and had no issues. We would be comfortable setting the capacity for people on the grounds at one time to be 500 people. We don’t sell any alcohol and at this time we don’t have any signage and any signs for events are only posted for one to two days of an event to give information or directions to guests.” Chair Robbins asked for further questions or comments from the board. Board member Elenkiwich asked for further descriptions regarding signs posted in the past. The Bennetts’ noted that the temporary signs are generally 1 foot x 2 feet, and they did rent a portable lighted sign that was approximately 4 feet x 4 feet for an event in the past. Board member Nelson asked, “Do you host an annual event?” The Bennetts’ stated at this time they did not. Board member Spence noted, “They do have a somewhat reoccurring event - Mollie B (Polka party) and I have attended a couple events in the past and everything is good.” Chair Robbins noted that he had a question regarding the structure itself. “Have you had the building inspected to make sure that it is structurally sound for the capacity that you have noted in the plans?” Mr. Bennett stated, “At this time they have not had it inspected in regards to capacity.” Chair Robbins opened up to the audience for questions and recognized Luke Muller from First District Association of County Governments. Mr. Muller asked, “Are there any overnight guests or campers for any of the events?” Theresa and Mike Bennett noted that in the past no one stayed on the grounds overnight and if campers were brought in it was only to serve as a dressing area for weddings. Board members also discussed strength of barn structure, insurance and setting the conditional use request time table to be valid if passed for 2 years. The Bennetts’ noted that they had no worries on the strength of the structure, they are covered by commercial type insurance coverage and were agreeable to a 2 year permit at this time. Mr. Haugen noted that the permit is under the person(s) name not tied to the land itself and would not be valid for a concert type event if they chose in the future to have such an event they would need to apply for

another conditional use for that type of event. Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 9: 2016cu015: Jason Dearduff has made an application, 2016cu015, to the Brookings County Planning and Zoning Commission for a conditional use; Article 13.00: "LP" Lake-Park District: Section 13.01: Conditional Use Permit # 6: Accessory building with a side-wall greater than ten (10) feet or more than 1,000 square feet. The property is described as: "Lot 2 Summer Home Addition in Section 28, 29 & 32 T109N, R50W (Medary Township)" -- located at 46799 219<sup>th</sup> St, Volga, SD 57071.** Darrell Nelson moved to approve the conditional use request. Michael Vande Weerd second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Jason Dearduff has applied for a conditional use to build a 28 feet x 52 feet x 10 feet side wall (1,456 square feet) detached garage (accessory building) on a lake front lot. The proposed building would be located on the north side of his lot. A row of mature evergreen trees are located between the proposed site and the road so only the west end of the building would be visible from the road as you drive by. The Lake Park setback requirements will all be met." Mr. Haugen also described the site plan using visuals. Chair Robbins requested that the applicants come forward and address the board. The applicants identified themselves as Jason and Tammy Dearduff. Mr. Dearduff stated, "We have just moved here and need storage for a boat, camper if it will fit with the 10 foot walls, vehicles and other storage." Chair Robbins opened up for questions from the board. Board member Pierce asked, "Do you live full-time at this residence?" Mr. Dearduff stated, "Yes." The board discussed the distance between the possible new structure and existing garage as well as the closeness to a row of trees. Mr. Haugen and Mr. Dearduff noted the distance between structures would be 12-15 feet and there would still be adequate distance to walk and mow between the trees and the new structure. Board member Pierce brought up a question in regards to the 10 foot sidewall height per current zoning restrictions vs the possibility of asking for a 12 foot sidewall allowance. Chair Robbins asked for further comments from the board. Board member Pierce commented that trees are an important buffer and should be maintained. Chair Robbins opened up to the audience, hearing none he asked for additional comments from the board. Board member Elenkiwich asked a question in regards to the age of the evergreens and if they would maintain, replace any that would possibly die in the future. Mr. Dearduff stated, "Yes we would want to maintain the trees as a buffer." Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Randy Jensen moved to amend the motion to allow for a 12 foot side-wall. Terrell Spence second. Chair Robbins noted the amendment was up for discussion and asked if the board had any questions, hearing none. Chair Robbins opened up to the audience, hearing none he asked for additional comments from the board, hearing none. Chair Robbins called for a roll-call vote: Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Robbins-aye. 9-ayes, 0-nay, Amendment passed. Chair Robbins then stated we now have the motion amended to read to build a 28 feet x 52 feet x 12 feet side wall (1,456

square feet) accessory building. Chair Robbins asked for any discussion on the main motion as read, hearing none. Chair Robbins called for a roll-call vote: Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Nelson-aye, Elenkiwich-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item # 10: 2016cu017: Jeraldine T. Weinacht has made an application, 2016cu017, to the Brookings County Planning and Zoning Commission for a conditional use. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 16: "One manufactured or mobile home as a secondary residence, on an established farmstead to be used for the occupancy of a farm employee, or by parents, grandparents, children or brothers and sisters of the occupant of the land, provided that said mobile home is removed within ninety (90) days of the vacation there from by the qualified occupant or occupants."** The property is described as: **"Block 1 of Tisdal Addition in S1/2 SE1/4 of Section 33, T110N, R51W (Volga Township)"** ~~ located at **46246 214<sup>th</sup> St, Volga, SD 57071.**

Robert Rochel moved to approve the conditional use request. Darrel Kleinjan second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Jeraldine Weinacht has applied for a conditional use to move in a previously occupied, 1992, 16 feet x 76 feet mobile home, for her granddaughter to live in. The home meets the Brookings County Zoning Ordinance Article 18: Minimum Mobile/Manufactured Home Requirements, Section 18:01 – 4: "Must have been constructed after June 15, 1976." She will need the written consent of the adjoining landowner's within 200 feet before a building permit would be issued for the mobile home to be moved in, per the Brookings County Zoning Ordinance Article 18: Section 18:01-2b. Letters were sent to adjoining landowner's, Volga Township Chairman and Clerk and we have not heard any comments." Mr. Haugen then using visuals went over the site plan. Chair Robbins asked Ms. Weinacht to come forward and address the board.

Ms. Weinacht noted that her address was incorrect as stated and is 46260 214<sup>th</sup> St, Volga, SD. She then stated, "This is to allow for temporary housing for my granddaughter and her family while they look for housing around the Volga area. We felt it would be a safer location for her and her family out in the country." Board member Pierce asked for clarification as to the allowance of grandchildren under the ordinance. Mr. Hill noted that it is not word for word but grandchildren fall under the noted children. Board member Rochel stated, "In the past the interpretation was that grandchildren would fall under the classification of children." Mr. Hill stated, "It will be noted that the wording grandchildren may be added when working on updating the Ag portion of the ordinance." Board member Pierce asked for more information on the mobile home. Anna Peters introduced herself and stated she was Ms. Weinacht's granddaughter and stated, "The mobile home is owned by Marv Post and is located a couple miles away." Mr. Haugen commented that it was stated in his report that the mobile home was a 1992. Board members discussed: 1) Timeline for how long the mobile home would be in place, 2) provisions for water and sewer, 3) rule that the mobile home would need to be removed 90 days after the granddaughter and her family moved out and would only be allowable under the granddaughter and her family and no other family member could move in without reapplying. Ms. Weinacht stated, "We have contacted someone about installation of a sewer system, Sioux Valley Energy and Kingbrook Rural Water." Mr. Haugen presented the board and audience with a visual of the mobile home. Chair Robbins asked for further comments from the board, hearing none he opened up to the audience, hearing none.

Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Vande Weerd-aye, Spence-aye, Jensen-aye, Pierce-aye, Elenkiwich-aye, Rochel-aye, Nelson-aye, Kleinjan-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item #11: Consideration of Plats: a. 2016plat005: "Plat of Lots 1 & 2 of Block 2 of Brookstone Addition in the SE1/4 of Section 17, T109N, R49W of the 5<sup>th</sup> P.M., Brookings County, South Dakota."** Board member Robert Rochel abstained and removed himself from the board at this time. Alternate board member Roger Erickson took his position on the board. Darrell Nelson moved to approve the plat. Terrell Spence second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "This is the Tim Gutormson property and they subdividing the building site from the pasture. The building site (Lot 1) is about 18.1 acres and the balance, about 21.8 acres (Lot 2) would be the pasture. Lot 2 is not a buildable site for a residence as it does not meet the minimum 35 acre requirement." Mr. Haugen used visuals to describe the plat. Chair Robbins opened up for questions from the board, hearing none. Chair Robbins opened up for discussion from the audience, seeing none. Chair Robbins asked the board for questions or comments, hearing none he called for a roll-call vote: Spence-aye, Jensen-aye, Pierce-aye, Erickson-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins stepped down due to conflict of interest. Kimberly Elenkiwich assumed position as Chairperson, Robert Rochel resumed his seat and Roger Erickson took Jeff Robbins seat.

Chair Elenkiwich read **agenda item b. 2016plat006: "Plat of Lot 12 Dakota Shores Second Subdivision in Section 15, T112N, R47W of the 5<sup>th</sup> P.M., Brookings County, South Dakota."** Lee Ann Pierce moved to approve the plat. Randy Jensen second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Zylstra is platting off a final plat for Lot 12 of Dakota Shores Second Subdivision. His preliminary plat was approved by the board on October 7<sup>th</sup>, 2014. Since his preliminary plat was approved he has completed the final plat of Lots 6, 7, 8, 9 and 11. Lot 12 would exceed the 20,000 sq. feet lot size requirement and the lot would be a non-lake front lot." Mr. Haugen described and presented visuals of the requested plat area. Chair Elenkiwich opened up for questions from the board. Chair Elenkiwich asked a question regarding the buildable area. Mr. Haugen stated, "A small shed could be constructed on Lot 12 and meet current zoning requirements." Chair Elenkiwich opened up for discussion from the audience, seeing none. Chair Elenkiwich asked the board for questions or comments, hearing none she called for a roll-call vote: Jensen-aye, Pierce-aye, Rochel-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Erickson-aye, Elenkiwich-aye. 9-ayes, 0-nays, motion carried.

Jeff Robbins resumed Chair seat, Kimberly Elenkiwich and Roger Erickson resumed their seats.

Chair Robbins read **agenda item # 12: Department Reports.** Chair Robbins asked Mr. Hill for his Directors report. Mr. Hill noted that the Ag and Lake-Park Subcommittees have met once or twice since the last meeting. He thanked Mr. Haugen for filling in at the subcommittee meeting when he was absent. Mr. Hill also wanted to remind board member of this being the season for West Nile and to be cautious. He also

noted that he would be busy with Emergency Management over the next two months and to contact Richard or Rae Lynn with any needs. Mr. Haugen presented his staff report. He stated, "A customer had called the office regarding the possibility of placing a campground on 47 acres that they own on the west side of Lake Sinai. The area is zoned Ag, it was rezoned from Natural Resources in 2013." He presented the board with visuals of the area in question. Board members discussed the request and directed staff to talk to the possible applicant about: road concerns, sanitary needs of a campground, sewer system, storm shelter needs. Board member Darrell Nelson noted he had a question that came to his attention. He stated, "I understand at the State level steps are being made to enact a River Basin Conservation District in South Dakota and I was just wondering if you have any information on this?" Mr. Hill, Luke Muller and Mr. Haugen noted they had heard things were in the works (a pilot) but nothing has been brought to the counties attention at this time. Mr. Hill brought up the timeline for the start of the public hearing portion of the ordinance revisions to possibly take place in October.

Chair Robbins asked for a motion to adjourn. Michael Vande Weerd made a motion to adjourn the meeting, Terrell Spence second. Chair Robbins called for a voice vote. 9-ayes, 0-nays.

Chair Robbins adjourned the meeting at 10:00 PM.

Rae Lynn Maher  
Brookings County  
Development Department.

# 2016var017 – September 6<sup>th</sup>, 2016

Prepared by Richard Haugen

Applicant/Owner: Kleinjan Farms Inc, 20419 463<sup>rd</sup> Ave, Bruce, SD 57220

Legal Description: “N 179’ of Block 2 of the Plat of Block 1 & 2 of Man’s Addition in E1/2 of Section 21, T111N, R51W (Oakwood Township).”

2016var017: Mr. Kleinjan has applied for a variance to build a grain bin 10 to 15 feet from the side property line. The required setback distance is 25 feet. Brookings County Zoning Ordinance, Article 11:00 “A” Agricultural District – Area Regulations - # 3: Side Yard – The minimum depth of the side yard shall be twenty five (25) feet. The land was platted in 1995, Mr. Kleinjan purchased the property in 2004. The property has two existing bins and machine shed currently on it. Mr. Kleinjan was granted variances in 2006 and 2013 to build the two existing bins closer to the side property line.

The hardships to consider: 1) shape and size of lot, 2) location of electrical transformers.

Public notices were published in the Brooking Register on August 23<sup>rd</sup> and 30<sup>th</sup>, 2016 and Volga Tribune on August 25<sup>th</sup> and September 1<sup>st</sup>, 2016.

Letters were sent to the adjoining landowner’s, Oakwood Township Chairman and Clerk.

Granting the variance request would allow the applicant have the same benefit as others in the area with similar hardships.

Denying the variance request would be maintaining the Agricultural Zoning Ordinance Setback requirements.

APPLICATION FOR VARIANCE  
TO  
ZONING REGULATIONS



Date of Application: 7-28-16

Variance Number: 2016VAR 017

To: Brookings County Board of Adjustment  
520 3<sup>rd</sup> St, Suite 200  
Brookings, South Dakota 57006

A.) I/We, the undersigned property owner (s), do hereby petition the Board of Adjustment of Brookings County, South Dakota, to grant a Variance to the Brookings County Zoning Regulations for the purpose of:

To have side set back to have better access  
into the machine shed and around a grain bin already  
there. Also to have the bins + future bins in line  
Approx 10 to 15 Feet from property line.

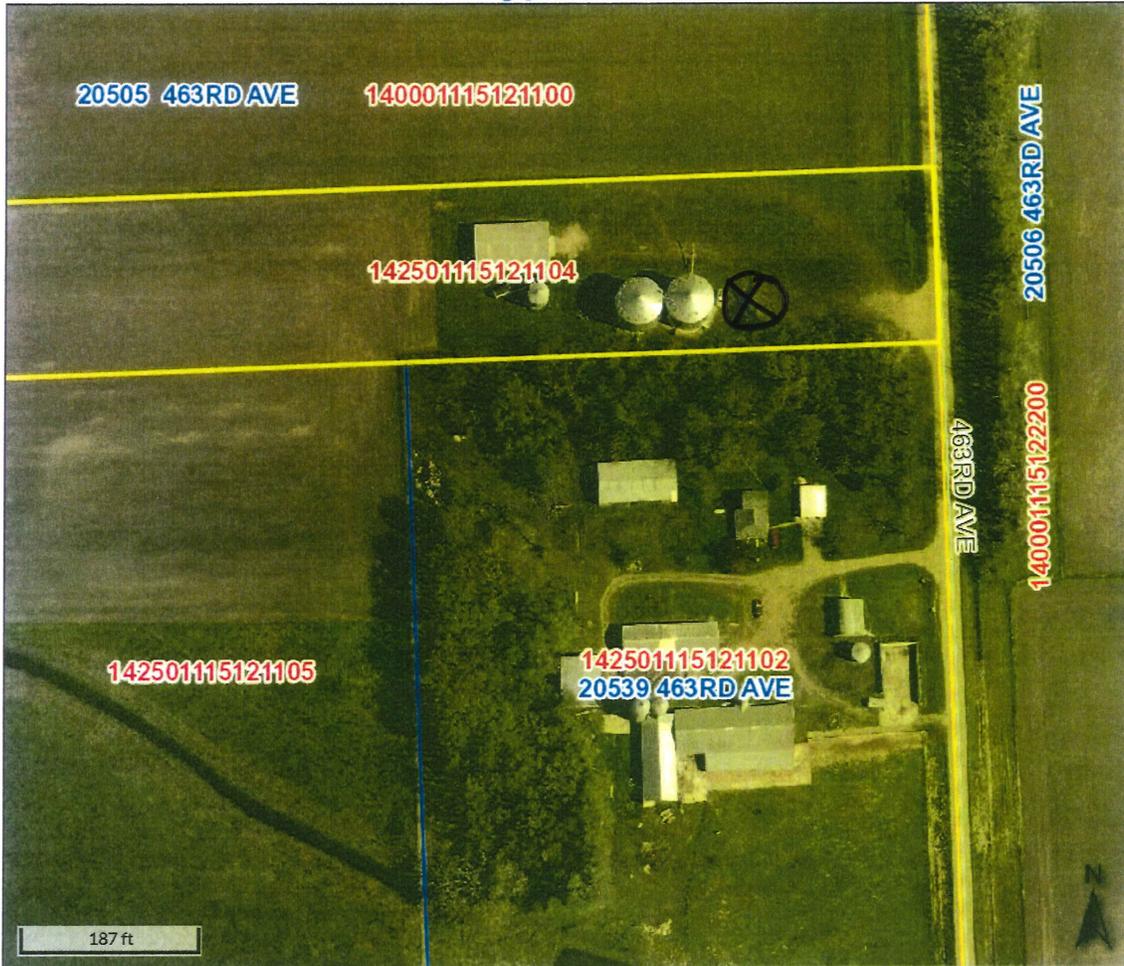
B.) Section(s) of Zoning Regulations to be exempted:

Article 11- Section 11.01 "Ag" Agricultural District:  
Area Regulation #3 Side Yard:

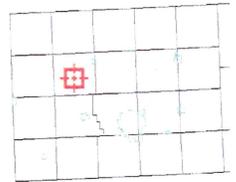
C.) Special conditions and circumstances that exist which are peculiar to the land, structure, or buildings in the same district: that literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this regulation: that the special conditions and circumstances do not result from the actions of the applicant, and that granting the variance requested will not confer on the applicant, and privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

To keep the bins in line for access and  
future grain handling equipment

*2016 ver 017*



Overview



Legend

- Brookings City Limits
- City Limits
- Township Boundar
- Sections
- Parcels
- Roads

Parcel ID	142501115121104	Alternate ID	n/a	Owner Address	KLEINJAN FARMS INC
Sec/Twp/Rng	21-111-51	Class	AGC		20506 463RD AVE
Property Address		Acreage	6.8		BRUCESD 57220
District	1405				
Brief Tax Description	N 179' BLOCK 2 OF BLOCK 1 & 2 OF MAN'S ADDN IN E 1/2 SUBJ TO PUBLIC RD ROW SEC 21-111-51 6.8 ACRES (Note: Not to be used on legal documents)				

Date created: 8/1/2016

Looking west from driveway.



2016var017: Kleinjan Farms



Looking east from shed - turn around area

Wheel at 25 feet. West bin fan at 12 feet. Bins at 18 feet.



Electrical service westside of bins.



# 2016cu018 – September 6<sup>th</sup>, 2016

Prepared by Richard Haugen,

Applicant/Owner: Kevin Rollag, 726 S Lake Hendricks Dr, Hendricks, MN 56136

Legal Description: “Lot 9 in Block 2 in Sunset Point Addn in Govt Lots 3 & 4 of Section 22, T112N, R47W (Lake Hendricks Township)”.

The Lake Park Conditional Use # 6: “Accessory building with a side wall greater than 10 feet or more than 1,000 square feet”. The property is located at Lake Hendricks, in the Lake Park District.

2016cu016: Kevin Rollag has applied for conditional use to build a 30 feet x 40 feet x 10 feet side wall (1,200 square feet) detached garage (accessory building) on a non-lake front lot. The proposed building would be built across the road to the southeast of his residence, 726 S Lake Hendricks Dr. The property has an existing driveway with a row of evergreen trees along the east and south side of the property. The lot was platted 2005 and contains 20,309 square feet. He will meet the Lake Park non-lake front setback requirements: 50 feet from the road, 8 feet side setback and 50 feet from the rear property line.

Public notices were published in the Brooking Register on August 23<sup>rd</sup> and 30<sup>th</sup>, 2016 and Hendricks Pioneer on August 24<sup>th</sup> and 31<sup>st</sup>, 2016.

Letters were sent to the adjoining landowner’s, Lake Hendricks Township Chairman and Clerk.

Granting the conditional use request would allow the applicant the same benefit granted to others in the area with similar sized structures.

Denying the request would be maintaining the Lake Park Zoning Ordinance - Accessory Building permitted use size requirement.

APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application: Aug. 8, 2016

Permit Number: 2016cu 018

To: Brookings County Planning Commission  
520 3<sup>rd</sup> St, Suite 200  
Brookings, South Dakota 57006

A.) I/We, the undersigned property owner (s), do hereby petition the Brookings County Planning & Zoning Commission of Brookings County, South Dakota, to grant a Conditional Use to the Brookings County Zoning Regulations for the purpose of:

building GARAGE 30 x 40 with 10' walls

- Accessory Bldg greater than 1000 sqft

B.) Section(s) of Zoning Regulations authorizing Conditional Use:

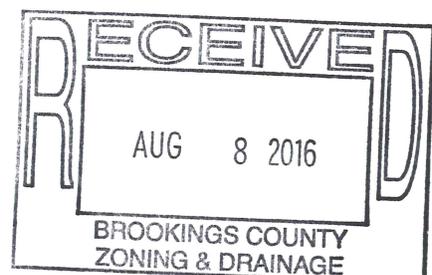
Article 13.00: LP "Lake Park District: Section 13.01:  
Conditional Use Permit # 6: Accessory building with a  
side-wall greater than ten (10) feet or more than  
1,000 square feet.

C.) Legal Description of Property:

Sunset Point Addn, Lot 9 Block Z in  
Govt lots 3 + 4 in Sec 22-112-47, 20,309 SF

Lake Hendricks Twp  
Parcel # 094021124722309

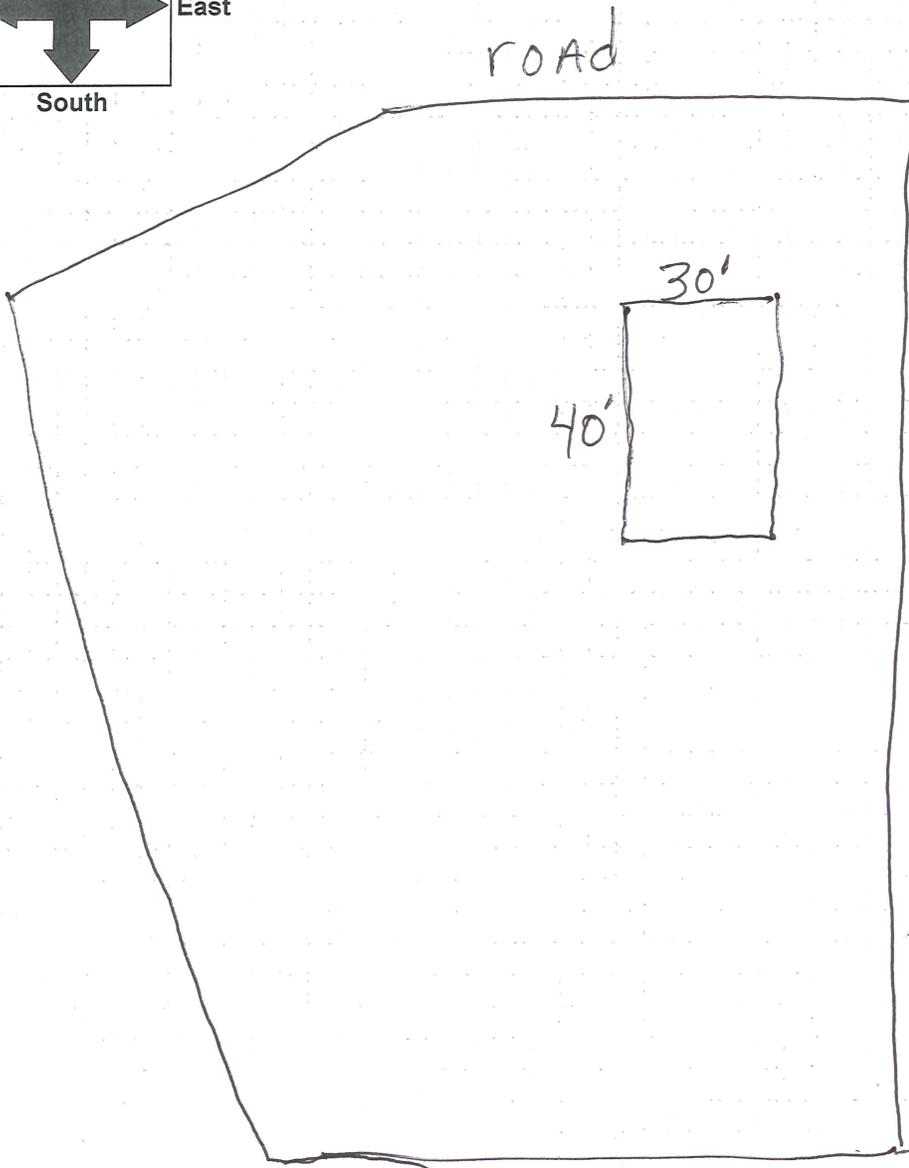
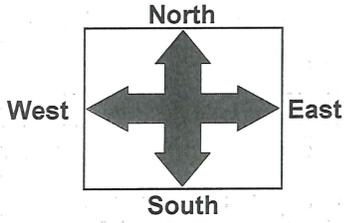
Form continued on page 2



2016c4018

**SKETCH**

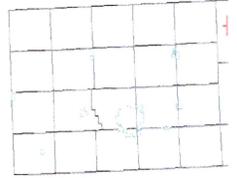
Please draw a sketch of the site. Show both the existing and the proposed structures. Include the location of public roads, septic treatment systems, feedlots, streams, lakes and drainage ditches.



2016cu 018



Overview



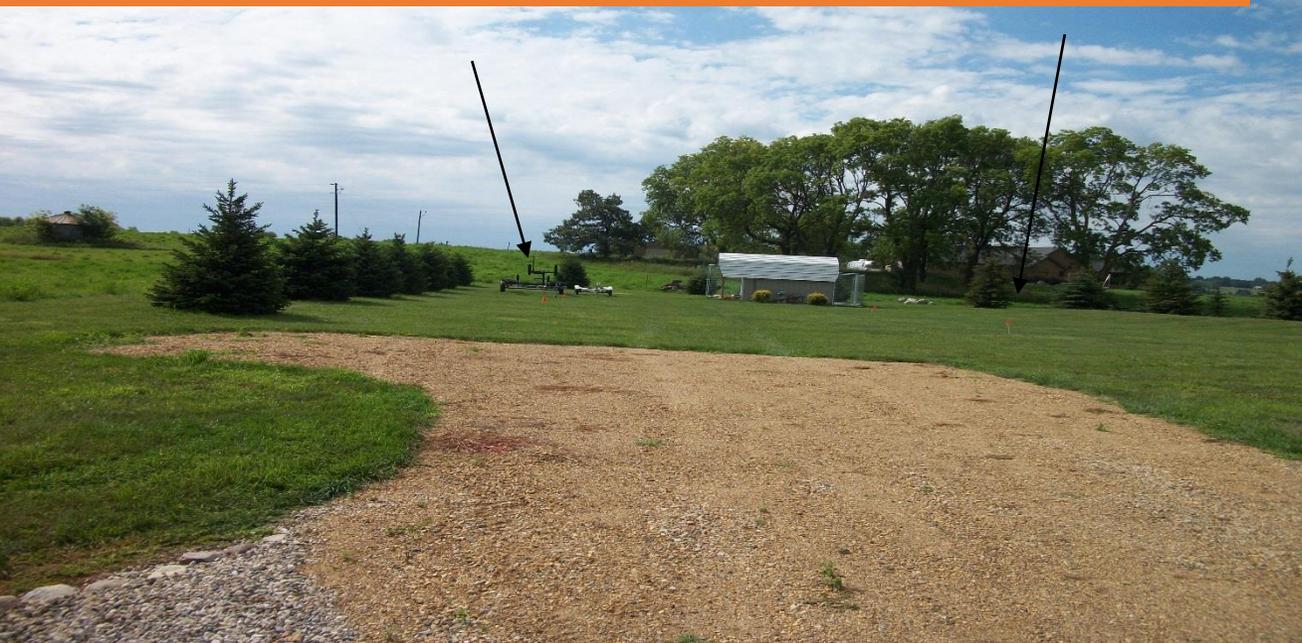
Legend

- Brookings City Limits
- City Limits
- Township Boundar
- Sections
- Parcels
- Roads

Parcel ID	094021124722309	Alternate ID	n/a	Owner Address	ROLLAG, KEVIN ET UX
Sec/Twp/Rng	22-112-47	Class	NACS		726 S LAKE HENDRICKS DR
Property Address		Acreage	n/a		HENDRICKS MN 56136
District	0910A - LAKE HENDRICKS ROAD DIST				
Brief Tax Description	SUNSET POINT ADDN, LOT 9 BLOCK 2 IN GOVT LOTS 3 & 4 IN SEC 22-112-47, 20,309 SF				
	(Note: Not to be used on legal documents)				

Date created: 8/8/2016

Looking south from driveway, red flags mark building location.



Southwest view



2016cu018: Kevin Rollag

West view.



Mr. Rollag's residence



Southeast view



# 2016plat007 – September 6<sup>th</sup>, 2016

Prepared by Richard Haugen

Applicants/Owners: Constance Lass, 405 1<sup>st</sup> Ave, Brookings, SD 57006

: Robert and Sharon Kasdorf, 110 W 44<sup>th</sup> St S, Brookings, SD 57006

Legal Description: “Plat of Tracts 3 and Tract 4 of Lass Addition in the Northwest Quarter of Section 14, Township 109 North, Range 50 West of the 5<sup>th</sup> P.M., Brookings County, South Dakota.”

2016plat007: Tract 3-75.59 acres in the NW ¼ of Section 14, T109N, R50W is owned by Constance Lass. Tract 3 has a 40 feet access easement to Tract 4 and a 50 feet easement on the east side of Tract 3 to access Tract 2A of Lass Addition, which lies directly south of Tract 3. The land is agricultural farm land and is currently being farmed.

Tract 4-14.16 acre existing building site, is owned by Robert and Sharon Kasdorf. The Kasdorf’s purchased the property from the Lass’s in October 2001 with a footage description. There is a 40 feet access easement on Tract 3 allowing them access to their property.

Tract 3 and Tract 4 correct the property pins location that were originally placed when the property was sold to the Kasdorf’s and gives the property an accurate legal description.

The property is located in the Brookings City/Brookings County Joint Jurisdiction Area, located on the south side of W44<sup>th</sup> Street (216<sup>th</sup> St) and on east side of 470<sup>th</sup> Ave.

Brookings City Community Development Director Mike Struck, reviewed the plat and has no objections to the request.

The plat meets the platting requirements and the 2016 Comprehensive Plan-Unincorporated Rural Area Land Use statement on page 24 for Agricultural Land Use.



# PLAT OF TRACT 3 AND TRACT 4 OF LASS ADDITION

IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 109 NORTH, RANGE 50 WEST  
OF THE 5TH PRINCIPAL MERIDIAN, BROOKINGS COUNTY, SOUTH DAKOTA.

## SURVEYOR'S CERTIFICATE

I, Jeffery C. Schievelbein, of Midwest Land Surveying, Inc., a Registered Land Surveyor in the State of South Dakota, do hereby state that I did, on or before this date, survey a portion of the Northwest Quarter of Section 14, Township 109 North, Range 50 West of the 5th Principal Meridian, Brookings County, South Dakota, and platted the same into Tract 3 and Tract 4 of Lass Addition in the Northwest Quarter of Section 14, Township 109 North, Range 50 West of the 5th Principal Meridian, Brookings County, South Dakota, as shown on the foregoing PLAT.

The same shall be known and described as TRACT 3 AND TRACT 4 OF LASS ADDITION IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 109 NORTH, RANGE 50 WEST OF THE 5TH PRINCIPAL MERIDIAN, BROOKINGS COUNTY, SOUTH DAKOTA.

I further certify that the above PLAT correctly represents the same, is true and correct and that it was made at the request of the owners.

Dated this 15<sup>th</sup> day of August, 2016.



*Jeffery C. Schievelbein*  
Jeffery C. Schievelbein, Registered Land Surveyor No. 10141

## OWNER'S CERTIFICATE

We, the undersigned, do hereby certify that we are the owners of all land included in the above plat and that said plat has been made at our request and in accordance with my instructions for the purposes of transfer, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

We hereby dedicate to the public for public use forever, the streets, roads, alleys, parks and public grounds, if any, as shown on said plat. Including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, roads, alleys, parks and public grounds whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone, cable television, or other public utility lines or services, under, on or over those strips of land designated hereon as easements.

Dated this 16<sup>th</sup> Day of August, 2016.

*Sandra L. Lass*  
Sandra L. Lass  
as Power of Attorney for Constance Lass

*Robert Kasdorf*  
Robert Kasdorf

*Sharon Kasdorf*  
Sharon Kasdorf

## SEE ATTACHED NOTARIAL CERTIFICATE

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared Sandra L. Lass, as Power of Attorney for Constance Lass, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

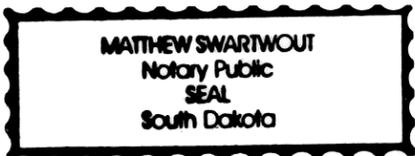
Notary Public - State of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

State of South Dakota  
County of Brookings

On this the 19<sup>th</sup> day of August, 2016, before me, the undersigned officer, personally appeared Robert Kasdorf and Sharon Kasdorf, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

*Matthew Swartwout*  
Notary Public - State of South Dakota  
My Commission Expires: 9-30-2019



## CERTIFICATE OF HIGHWAY AUTHORITY

I, \_\_\_\_\_, acting for Brookings County Highway Dept. hereby approve access as shown on the attached plat to the abutting public highway subject to all applicable laws, ordinances and permit requirements. Any change in the location of the proposed access shall require additional approval.

HIGHWAY AUTHORITY

TITLE

## COUNTY PLANNING COMMISSION APPROVAL

Be it resolved by the County Planning Commission of Brookings County, South Dakota that the Plat of TRACT 3 AND TRACT 4 OF LASS ADDITION IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 109 NORTH, RANGE 50 WEST OF THE 5TH PRINCIPAL MERIDIAN, BROOKINGS COUNTY, SOUTH DAKOTA is approved and that the same be certified to the Brookings County Board of County Commissioners with the recommendation that said plat be approved.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_.

CHAIRMAN, COUNTY PLANNING COMMISSION  
Brookings County, South Dakota

## BOARD OF COUNTY COMMISSIONERS RESOLUTION

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ and the motion carried, that the Plat of TRACT 3 AND TRACT 4 OF LASS ADDITION IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 109 NORTH, RANGE 50 WEST OF THE 5TH PRINCIPAL MERIDIAN, BROOKINGS COUNTY, SOUTH DAKOTA is approved and that the County Finance Officer of Brookings County, South Dakota is hereby directed to endorse on such plat a copy of the resolution and certify the same thereon.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_.

County Finance Officer  
Brookings County, South Dakota

## DIRECTOR OF EQUALIZATION

I, the Director of Equalization of Brookings County, South Dakota, do hereby certify that a copy of the above and foregoing described plat has been filed in my office.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_.

DIRECTOR OF EQUALIZATION  
Brookings County, South Dakota

## COUNTY FINANCE OFFICERS CERTIFICATE

I, \_\_\_\_\_, the Finance Officer of Brookings County, South Dakota, do hereby certify that all taxes which are liens upon any land shown in the above plat, as shown by the records of my office have been paid in full.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_.

Finance Officer  
Brookings County, South Dakota

## REGISTER OF DEEDS

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at

\_\_\_\_\_ o'clock, \_\_\_\_\_ m., and recorded in Book \_\_\_\_\_ of Plats on Page \_\_\_\_\_.

REGISTER OF DEEDS  
Brookings County, South Dakota

PREPARED BY:



Land Surveying and GPS Consulting  
211 E. 14th Street Suite 100  
Sioux Falls, South Dakota 57104

Phone: (605) 339-8901 FAX:(605) 274-8951

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )
County of ORANGE )

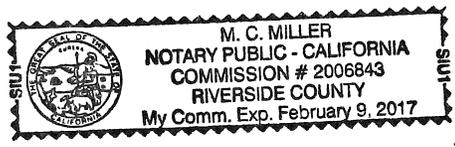
On 08/16/2016 before me, M.C. Miller, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Sandra L. Lass
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature M.C. Miller
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Owner's Certificate

Document Date: Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:
Corporate Officer -- Title(s):
Partner -- Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer Is Representing:

Signer's Name:
Corporate Officer -- Title(s):
Partner -- Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer Is Representing:

# PLAT OF TRACT 3 AND TRACT 4 OF LASS ADDITION

IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 109 NORTH, RANGE 50 WEST  
OF THE 5TH PRINCIPAL MERIDIAN, BROOKINGS COUNTY, SOUTH DAKOTA.

## CERTIFICATE OF TOWNSHIP ROAD AUTHORITY

I, \_\_\_\_\_, acting for Medary Township, hereby approve access as shown on the attached plat to the abutting Township roadway subject to all applicable laws, ordinances and permit requirements. Any change in the location of the proposed access shall require additional approval.

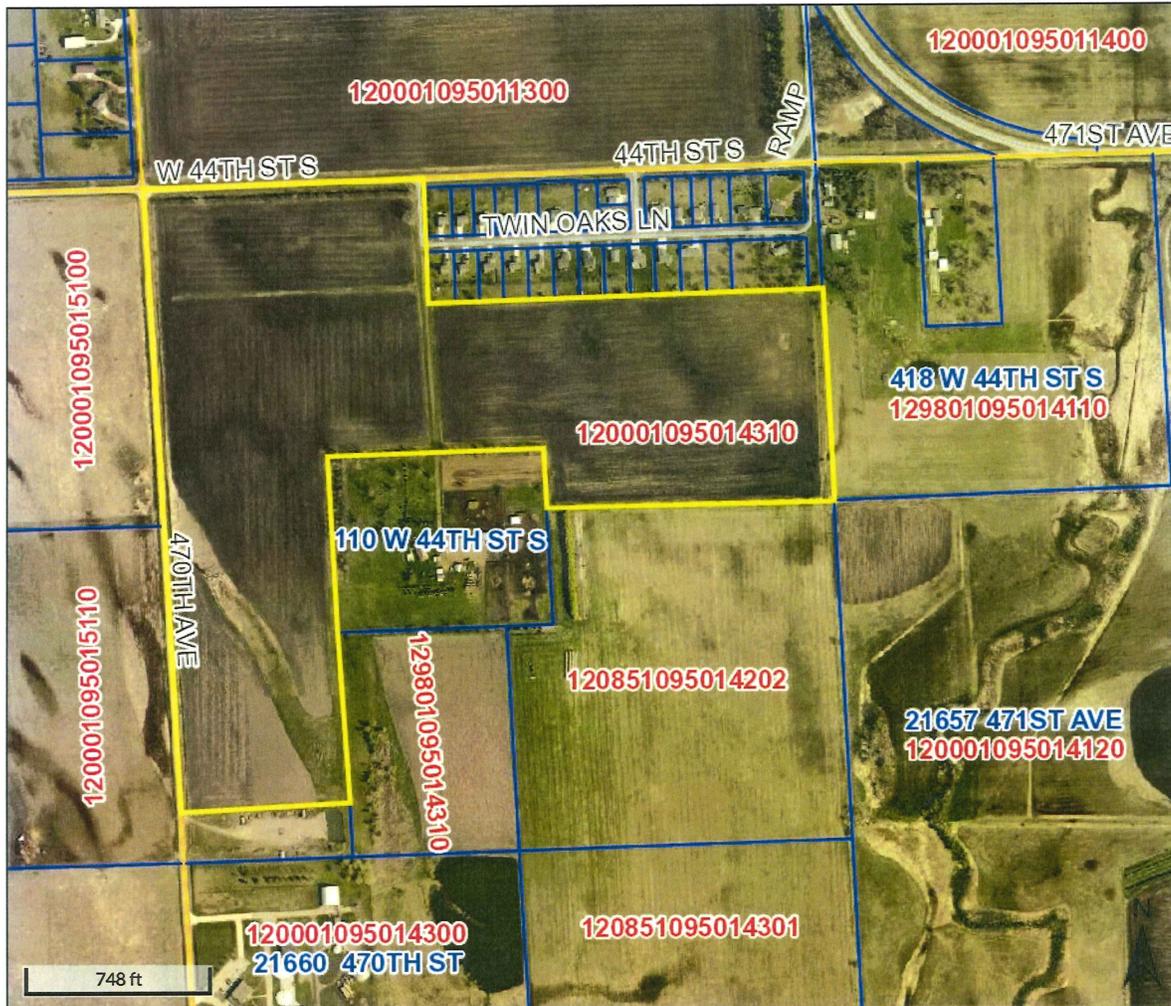
\_\_\_\_\_  
MEDARY TOWNSHIP ROAD AUTHORITY

\_\_\_\_\_  
TITLE

PREPARED BY:



Land Surveying and GPS Consulting  
211 E. 14th Street Suite 100  
Sioux Falls, South Dakota 57104  
Phone: (605) 339-8901 FAX:(605) 274-8951



Overview



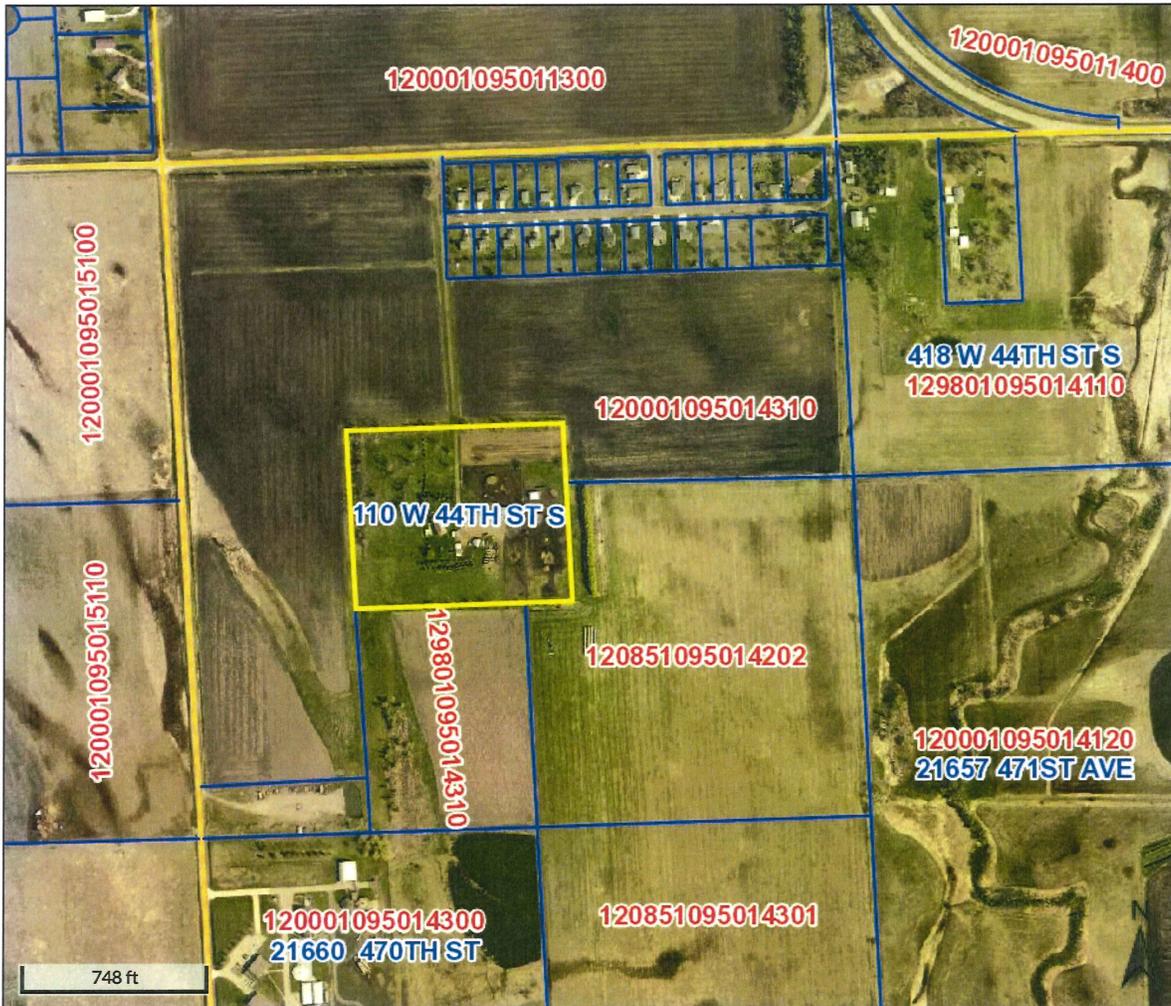
Legend

-  Brookings City Limits
-  City Limits
-  Township Boundar
-  Sections
-  Parcels
-  Roads

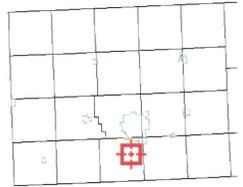
Parcel ID	120001095014310	Alternate ID	n/a	Owner Address	LASS, SANDRA L
Sec/Twp/Rng	14-109-50	Class	AGA		31513 CRYSTAL SANDS DR
Property Address		Acreage	79.67		LAGUNA NIGUEL CA 92677
District	12018				
Brief Tax Description	NW 1/4 EXC LASS ADD & EXC S 700' OF N 1793' OF W 850' OF E 1975' & EXC E 1/2 SW 1/4 NW 1/4 & EXC S 200' W 1/2 SW 1/4 NW 1/4 SEC 14 BUT INC				
	(Note: Not to be used on legal documents)				

Date created: 8/19/2016  
 Last Data Uploaded: 2/18/2014 4:02:57 AM

*2016 plat 007*



Overview



Legend

- Brookings City Limits
- City Limits
- Township Boundar
- Sections
- Parcels

Parcel ID	129801095014200	Alternate ID	n/a	Owner Address	KASDORF, ROBERT ET UX
Sec/Twp/Rng	14-109-50	Class	AGC		110 W 44TH ST S
Property Address	110 W 44TH ST S BROOKINGS	Acres	13.66		BROOKINGS SD 57006
District	12018				
Brief Tax Description	S 700' OF N 1793' OF W 850' OF E 1975' OF NW 1/4 IN SEC 14-109-50 13.66 AC (Note: Not to be used on legal documents)				

Date created: 8/23/2016  
Last Data Uploaded: 2/18/2014 4:02:57 AM

Developed by  
The Schneider Corporation

2016 plat 007  
(new Tract 4 area)  
plat

# 2016plat008 – September 6<sup>th</sup>, 2016

Prepared by Richard Haugen

Applicants/Owners: Jerry Danielsen, 20221 468<sup>th</sup> Ave, Bruce, SD 57220

Legal Description: “Plat of Block 1, Danielsen’s Subdivision being located in the Northeast ¼ of the Northeast 1/4 of Section 5, Township 111 North, Range 50 West of the 5<sup>th</sup> P.M., Brookings County, South Dakota.”

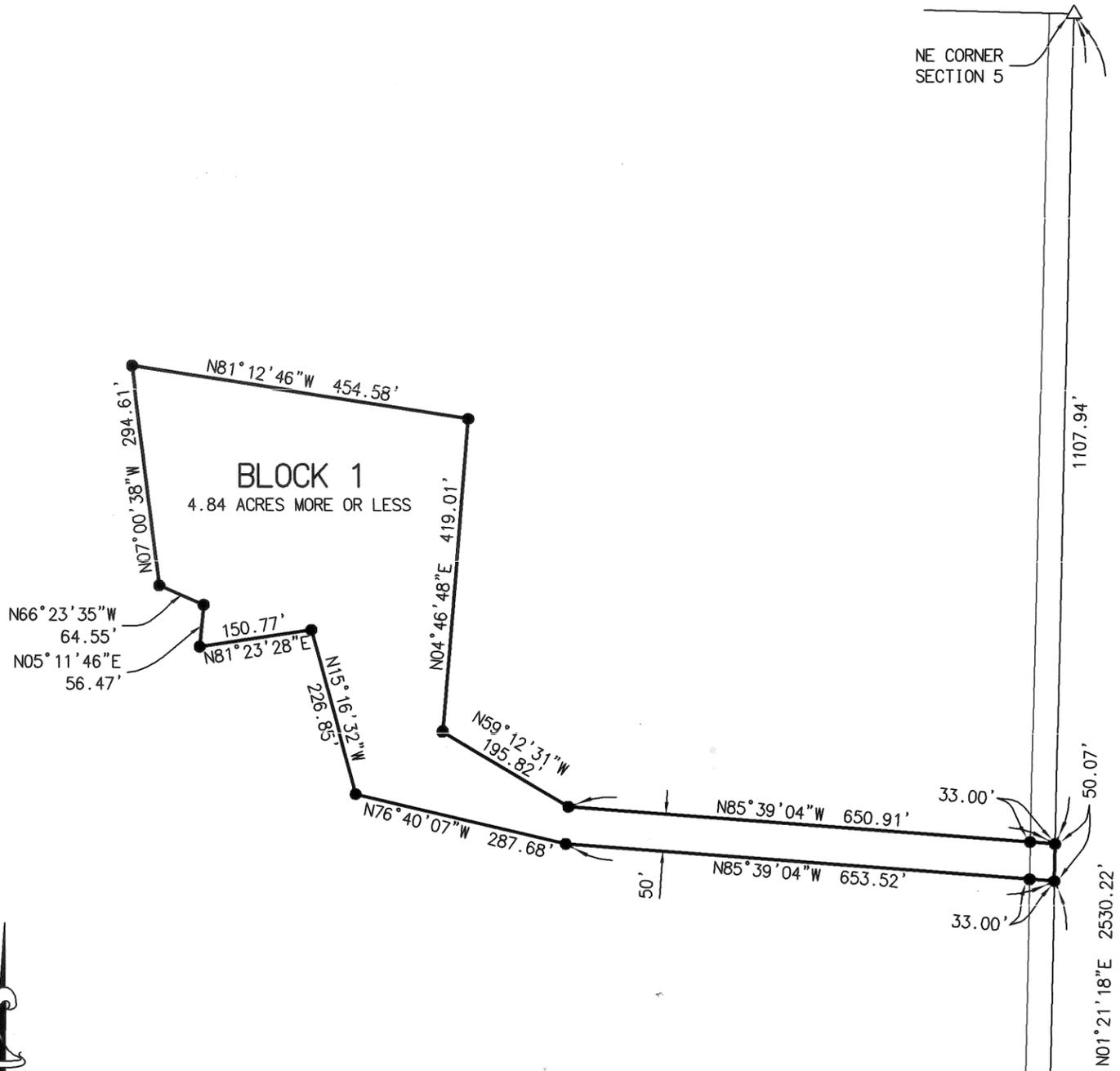
2016plat008: The Danielsen’s are platting off an existing 4.84 acre building site from the rest of their land. The building site is existing and the balance of the land is farm ground and grass.

The plat meets the platting requirements and the 2016 Comprehensive Plan-Unincorporated Rural Area Land Use statement on page 24 for Agricultural Land Use.

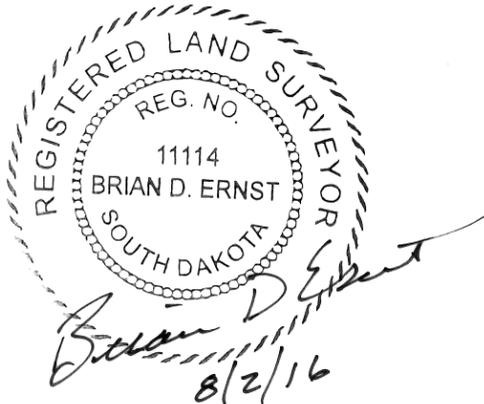
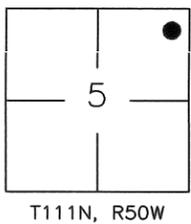
# PLAT OF

## BLOCK 1, DANIELSEN'S SUBDIVISION

BEING LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 5, T111N, R50W OF THE 5th P.M., BROOKINGS COUNTY, SOUTH DAKOTA



SCALE: 1" = 100'  
0' 100'  
AUGUST 2, 2016



### NOTES:

BASIS OF BEARINGS ARE ASSUMED.

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

### LEGEND

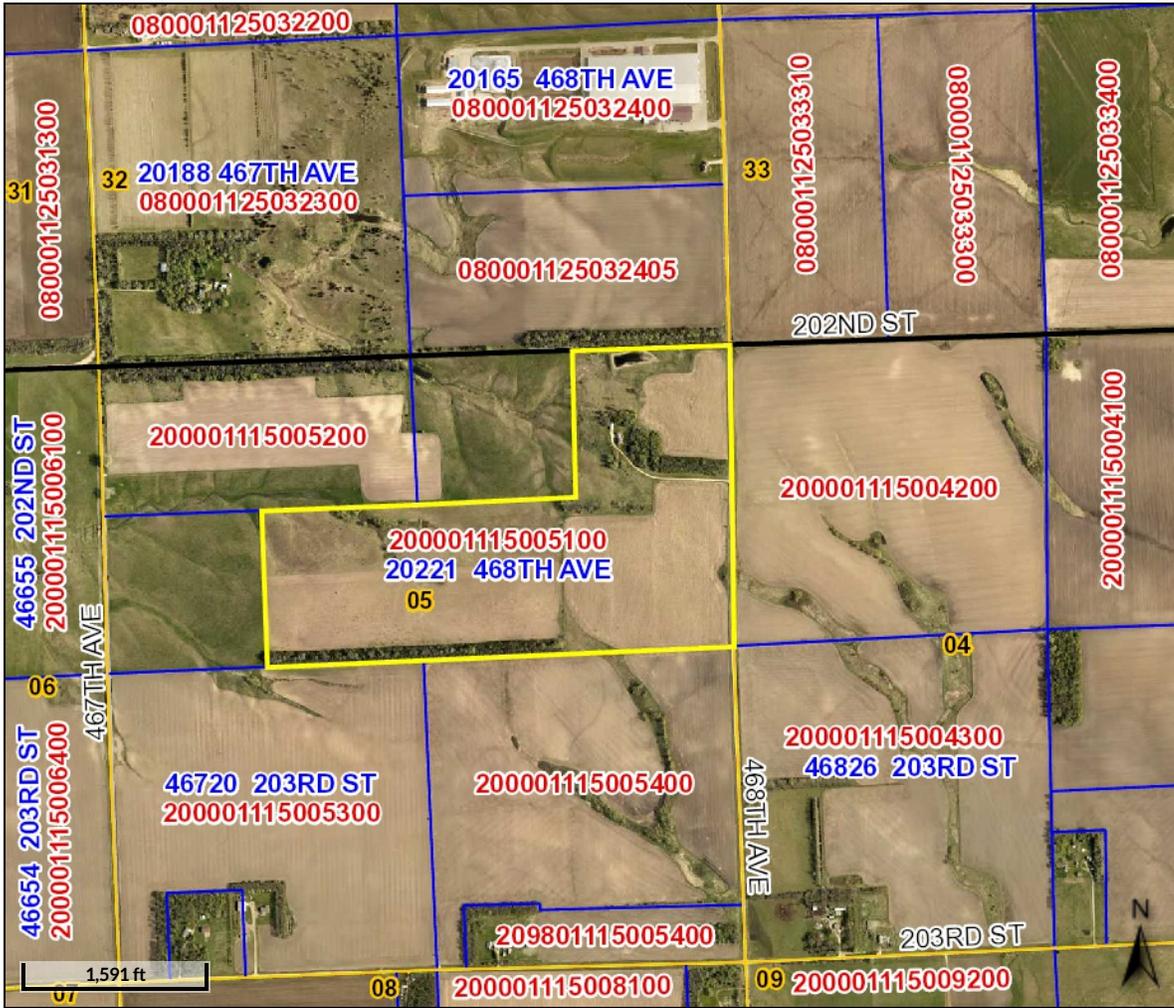
- △ FOUND MONUMENTATION
- SET 5/8" REBAR WITH PLASTIC CAP #11114

E 1/4 CORNER SECTION 5

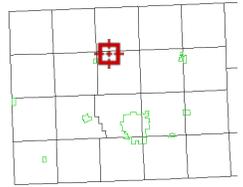
PREPARED BY:



1311 MAIN AVE. S, BROOKINGS, SD 57006  
PHONE: 605.695.6442 FAX: 605.697.3122



**Overview**



**Legend**

-  Brookings City Limits
-  City Limits
-  Township Boundar
-  Sections
-  Parcels
-  Roads
- Floodplain 2008**
-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE
-  X

Parcel ID	200001115005100	Alternate ID	n/a	Owner Address	DANIELSEN, JERRY M ET UX
Sec/Twp/Rng	5-111-50	Class	AGA		PO BOX 336
Property Address	20221 468TH AVE BRUCE	Acreeage	156		BRUCE SD 57220

District 2005  
**Brief Tax Description** E 1/2 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NW 1/4 SEC 5-111-50 156.0 AC  
 (Note: Not to be used on legal documents)

Date created: 8/26/2016  
 Last Data Uploaded: 2/18/2014 4:02:57 AM