

Brookings County/City Of Brookings Joint Board Of Adjustment

BROOKINGS CITY AND COUNTY GOVERNMENT CENTER

520 3rd St, Suite 310 Chambers, Brookings, South Dakota

JULY 1, 2025 AGENDA

1. Call to Order - 8:00 PM on Tuesday, July 1, 2025.

2. Approval of Joint BOA Minutes.

Documents:

[MINUTES-Oct 1, 2024 JJBOA Minutes_DRAFT 10-15-2024.pdf](#)

3. Items to be added to agenda by commission members or staff.

4. Invitation for citizen to schedule time on the commission agenda for an item not listed.

Anyone wanting to speak during this agenda item must sign in prior to the start of the meeting. Any requested action items must be scheduled for a future meeting date. (Time limited to 5-minutes per person to address the commission.)

5. Disclosure of Conflicts of Interest: Relationship(s) to Applicant; or Ex Parte Communication.

6. Approval of Agenda.

7. Convene as Joint Board of Adjustment.

***The Joint Board of Adjustment needs 2/3 approval of the full board to approve any variance agenda item.*

***The Joint Board of Adjustment needs a majority approval of the members present to approve any conditional use agenda item.*

8. 2025JJVAR001

Brandon Bak has made an application, 2025jjvar001, to the Joint Jurisdiction Board of Adjustment for a variance. Joint Zoning Ordinance for Brookings County and the City of Brookings: Article III District Regulations: Chapter 3.04 "A" Agricultural Land District: Section 3.04.03 Area Regulations/Easements. 1b. Nonconforming Lots of Record – Minimum Rear Yard. The property is described as: "Outlot 1 in SW1/4 of the SE1/4 of Section 3, T109N, R50W (Medary Township)" ~ located at 632 W 32nd St S, Brookings, SD 57006.

Documents:

[2025jjvar001-Staff Report.pdf](#)

A. Comments received - 2025jjvar001

Documents:

[Roth, K_rcvd 6-20-2025.pdf](#)

9. Adjourn.

10. Public Notices

Joint Board of Adjustment Members: Chad Ford (Co Planning Commission), Mike Bartley (County Commission), Kyle Vanderwal (Co Planning Commission), Wayne Avery (City Council-Mayor's designee), Scot Leddy (City Planning Commission). Alternates: TBD (Co Planning Commission), Deputy Mayor Nick Wendell (City Council), Jacob Limmer (City Planning Commission)

**The Board of Adjustment needs 2/3 approval of the full board to approve any variance agenda item.

**The Board of Adjustment needs a majority approval of the members present to approve any conditional use agenda item.

**BROOKINGS COUNTY/CITY OF BROOKINGS
JOINT “JURISDICTION” BOARD OF ADJUSTMENT
MINUTES OF OCTOBER 1, 2024 REGULAR MEETING**

The Joint Board of Adjustment on Tuesday, October 1, 2024. Joint Board members present were Brookings County Planning & Zoning Commission representatives: Chad Ford, Tim Paulson, County Commissioner Alternate Kelly VanderWal. City Council representative Wayne Avery, City Planning Commission representative Tanner Aiken. Absent: Kyle Vanderwal and County Commissioner Mike Bartley. Also present were County Development Director Robert W. Hill, County Development Deputy Director Richard Haugen, City Planner Ryan Miller, Community Development Director Mike Struck, and via phone First District Association of Local Governments Senior Planner Luke Muller.

CALL TO ORDER

Chair Ford called the meeting to order at 8:00 PM.

APPROVAL OF MINUTES

(Aiken/VanderWal) Motion approve the September 3, 2024, Meeting Minutes. All present voted aye. **MOTION CARRIED.**

ITEMS TO BE ADDED TO AGENDA BY COMMISSION MEMBERS OR STAFF

None added.

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 board.*

No one scheduled time to address the board.

DISCLOSURE OF CONFLICTS OF INTEREST

None.

APPROVAL OF AGENDA

(Avery/Paulson) Motion to approve the agenda for the October 1, 2024 Meeting. All present voted aye. **MOTION CARRIED.**

CONVENE AS JOINT BOARD OF ADJUSTMENT

2024JJC003

Application for Brookings Municipal Utilities by Eric Witt, BMU Water/Wastewater & Engineering Manager. Joint Zoning Ordinance for Brookings County and the City of Brookings: Article III District Regulations: Chapter 3.04. “A” Agricultural Land District: Section 3.04.02. Conditional Uses #16 Public utility and public service structures, including substations, gas regulator stations, community equipment buildings, pumping stations, gas regulator stations, community equipment buildings, pumping stations, and reservoirs; and Chapter 3.06. Aquifer Protection: Section 3.06.04. Zone A-Aquifer Critical Impact Zone: Section 3.06.04.02. Conditional Uses in Zone A #1 Public utility

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and public service structures and pumping stations. The property is described as: "SE1/4 of Section 29, T110N, R49W (Aurora Township)".

(Avery/VanderWal) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a conditional use permit for a pumping station located in "A" Agricultural Land District and in the Aquifer Protection: Zone A-Aquifer Critical Impact Zone. The report noted: 1) Application for a water pumping station for new wells and well house control building to be used to supply water for new water treatment plant the City of Brookings. 2) The location of the wells and well house control building is on 8th Street S (aka Brookings County gravel road 18A or 213th Street). Letter were sent to the adjoining landowners, Aurora Township Chairman and Clerk. A staff report was sent to the Brookings Community Development Office. Public notices were published in the Brookings Register on September 17 & 24, 2024.

PUBLIC HEARING: Applicant Eric Witt informed those present Brookings Municipal Utilities was in the process of constructing a new Water Treatment Plant for the long term treated water supply for the communities of Brookings and Aurora. The project consists of addition of 4 additional buildings that would house wells and 1 would also house controls for all 4 wells. The wells would be 60-80' deep and provide for growth for the next 25 years.

Proponents: None.

Opponents: None.

DISCUSSION: Board members had no questions or comments regarding the request. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: VanderWal-aye, Paulson-aye, Aiken-aye, Avery-aye, Ford-aye. 5-aye, 0-nay.

MOTION CARRIED.

2024JJCU004

Application for Brookings Municipal Utilities by Eric Witt, BMU Water/Wastewater & Engineering Manager. Joint Zoning Ordinance for Brookings County and the City of Brookings: Article III District Regulations: Chapter 3.06. Aquifer Protection: Section 3.06.04. Zone A-Aquifer Critical Impact Zone: Section 3.06.04.02. Conditional Uses in Zone A # 4: Accessory structures greater than 120 square feet in area. The property is described as: "SE1/4 of Section 29, T110N, R49W (Aurora Township)".

(Aiken/Paulson) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a conditional use permit for an accessory structure greater than 120 square feet in area, to be located in the Aquifer Protection: Zone A-Aquifer Critical Impact Zone. The report noted: 1) The accessory building for 3 well houses - 12'8" x 22'8" and well house – 12'8" x 32'. 2) The new well and well house control building will be used to supply water for the new water treatment plant for the City of Brookings. 3) Location – well house accessory buildings are on 8th St S (aka

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Brookings County gravel road 18A or 213th Street) and will meet the setback requirements from the road. 4) Property is in the floodplain and will need to be built to Article III District Regulations: Chapter 3.05. Flood Damage Prevention Overlay District requirements. Letters were sent to the adjoining landowners, Aurora Township Chairman and Clerk. A staff report was sent to the Brookings Community Development Office. Public notices were published in the Brookings Register on September 17 & 24, 2024.

PUBLIC HEARING: Applicant Eric Witt informed those present project contained structures as noted in Haugen's report.

Proponents: None.

Opponents: None.

DISCUSSION: Board members had no questions or comments regarding the request. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Paulson-aye, Aiken-aye, Avery-aye, VanderWal-aye, Ford-aye. 5-aye, 0-nay.
MOTION CARRIED.

ADJOURN

(VanderWal/Avery) Motion to adjourn. Chair Ford adjourned the meeting at 8:26 PM.

Rae Lynn Maher
Brookings County
Development Department

BROOKINGS COUNTY DEVELOPMENT
Planning, Zoning and Drainage / Emergency Management
Brookings City & County Government Center
520 3rd Street, Suite 200
Brookings, SD 57006
(605) 696-8350
E-Mail: countydevelopment@brookingscountysd.gov

Brookings County/Brookings City Joint Jurisdiction Board of Adjustment
July 1, 2025 – 8:00 PM meeting

2025jjvar001 – July 1, 2025

Prepared by Richard Haugen,

Applicant/Owner: Brandon Bak, 632 W 32nd St S, Brookings, SD 57006.

Legal Description: “Outlot 1 in SW1/4 of the SE1/4 of Section 3, T109N, R50W (Medary Township)”
~~ located at 632 W 32nd St S, Brookings, SD 57006.

Joint Zoning Ordinance for Brookings County and the City of Brookings: Article III District Regulations: Chapter 3.04 “A” Agricultural Land District: Section 3.04.03. Area Regulations/Easements. 1b. Minimum Rear Yard.

2025jjvar001: Brandon Bak has applied for variance 2025jjvar001 to move in a used 14’ x 20’ storage building to be 1 foot from the rear property line to cover an existing lift station. The exiting building that covered a lift station was 3 feet over the rear property line; both were there when he purchased the property. The property was platted on, November 9, 1972, before there was Zoning in Brookings County and before the Brookings City/Brookings County Joint Jurisdictional Area and ordinance. The original building covering the lift station was in disrepair and was removed by the applicant. The applicant applied for the variance and was waiting for Joint Jurisdiction Board of Adjustment approval, when his contractor had an unexpected opening and was able to move the shed, prior to the board’s approval, now making it an after the fact variance. The applicant has a letter from the adjoining landowner saying they have no objections to the variance request.

Public notices were published in the Brookings Register on June 17 and 24, 2025.
Letters were sent to the adjoining landowner’s, Medary Township Chairman and Clerk.

APPLICATION FOR VARIANCE
TO
"JOINT JURISDICTION" ZONING REGULATIONS

JUN - 2 2025

BROOKINGS
COUNTY DEVELOPMENT

Date of Application: June 2, 2025

Variance Number: 2025jjv04001

To: Joint "Jurisdiction" Board of Adjustment
520 3rd St, Suite 110
Brookings, South Dakota 57006

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

I would like to move in an existing 14' by 20' storage shed on to the north edge of my property. This would replace the existing storage shed which was actually sitting on centered on the property line. I would like to position the replacement shed approximately 1 foot (North side of shed) off ~~at~~ south of my north property line. The shed will on a gravel leveled pad and anchored into the ground with screw in anchors.

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

Joint Zoning Ordinance for Brookings Co + City of Brookings;
Article III District Regulations; Chapter 3.04 "A" Ag
Land District; Section 3.04.03 Area Regulations/
Easements. 1 b Nonconforming Lots of Record -
minimum Rear 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.

The reason I need it placed here is to 1. cover the existing lift station that is here which is roughly 3 ft south of my north property line and 2. It allows me to position my shed completely on my property rather than half of it.

D.) Legal Description of Property:

Outlot 1 in SW 1/4 of the SE 1/4 of Section 3,
T109N, R.50W (Medary Township) located at
632 W 32nd St S Brookings, SD 57006
Parcel # 12240-10950-134-00

E.) Time and Date Set for
Hearing before Joint
"Jurisdiction" Board of Adjustment.

July 1st 2025
Date

8:00 P.m
Time

Approved

Rejected

Date

Chairman of Joint "Jurisdiction"
Board of Adjustment

Brandon Bak
Person filing petition – print

B. Bak
Person filing petition – sign

632 W 32nd St S
Address

Brookings
City

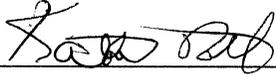
SD
State

57006
Zip Code

(605) 570-6071 (Brandon)
Telephone
(605) 860-1306 (Chelsea)

A variance that is granted and not used within three (3) years will be considered invalid.

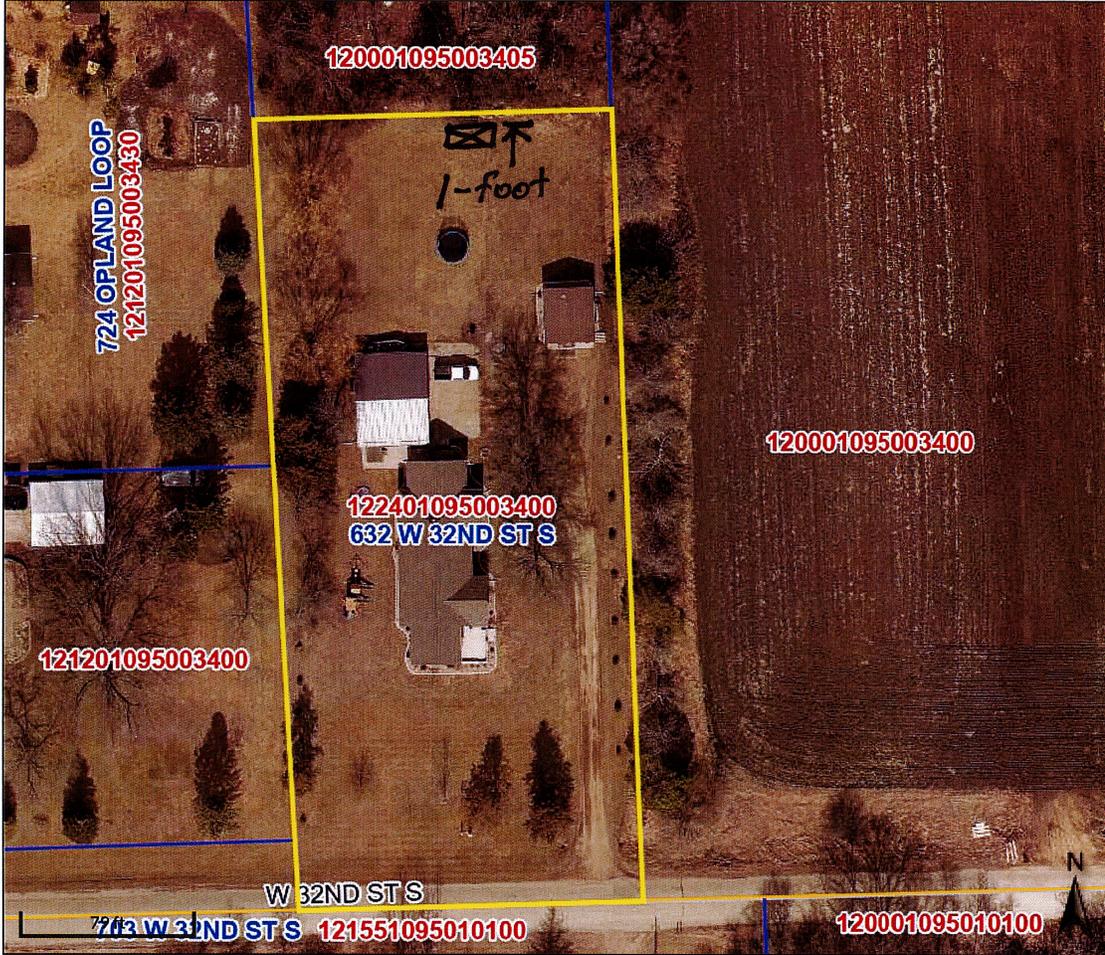
I, Kathy Roth, give permission to Brandon Bak to place a storage shed 1 foot from my property line.

Signature:  Date: June 19 2025

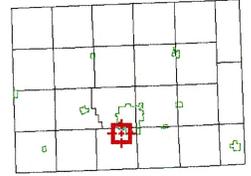
RECEIVED

JUN 20 2025

BROOKINGS
COUNTY DEVELOPMENT



Overview



Legend

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

Parcel ID	122401095003400	Alternate ID	n/a	Owner Address	BAK, CHELSEA ET VIR
Sec/Twp/Rng	3-109-50	Class	NACS		632 W 32ND ST S
Property Address	632 W 32ND ST S	Acreage	n/a		BROOKINGS SD 57006
	BROOKINGS				
District	1201				
Brief Tax Description	OL 1 IN SW 1/4 SE 1/4 SEC 3-109-50 1.25 ACRES				
	(Note: Not to be used on legal documents)				

Date created: 6/19/2025
 Last Data Uploaded: 6/19/2025 1:03:30 AM

Developed by **SCHNEIDER**
 GEOSPATIAL

2025jjvar001 - Brandon Bak - July 1, 2025



Existing
building
over
property line,

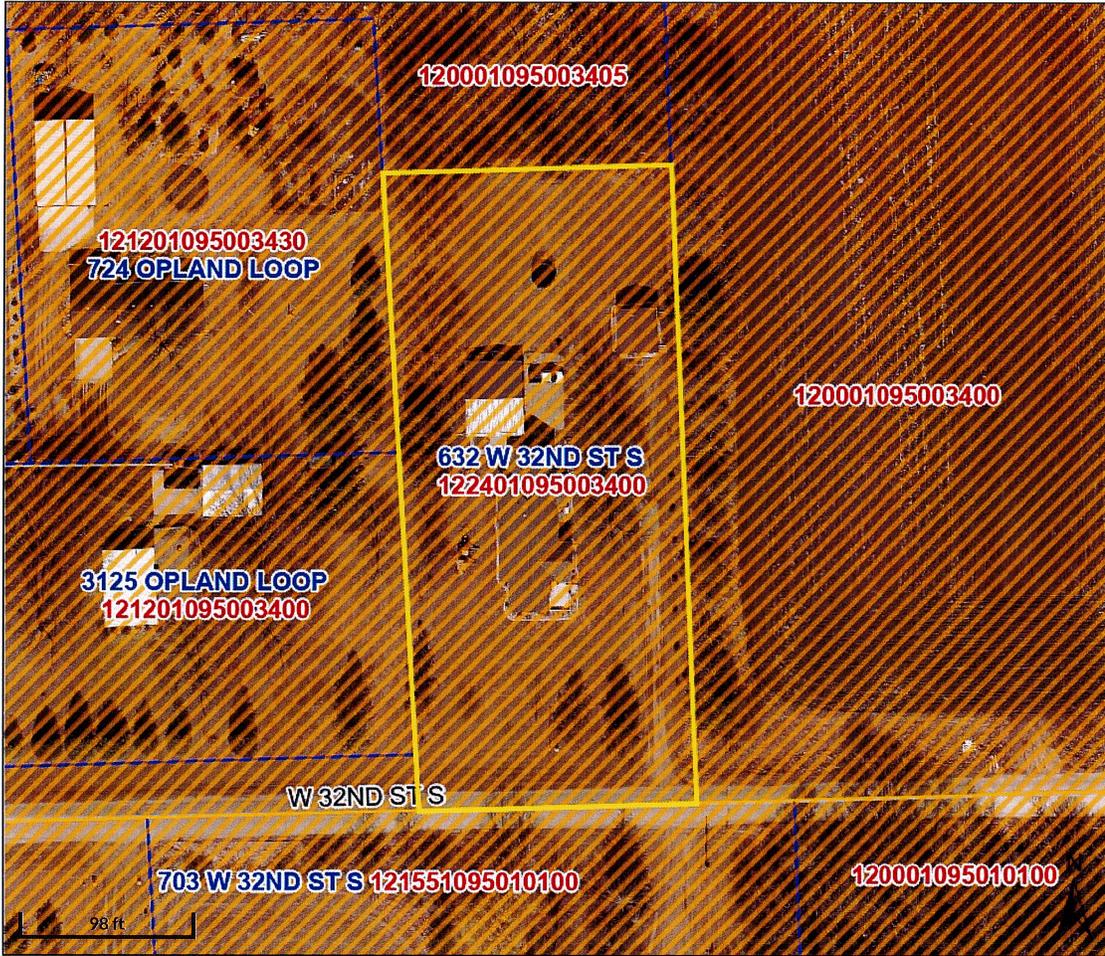


Beacon™

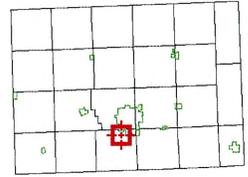
Brookings County, SD

2025jjvar001

Joint Jurisdiction Map



Overview



Legend

- Brookings City Limits
- City Limits
- Township Boundary
- Sections
- Joint Jurisdiction Area
- Parcels
- Roads

Parcel ID 122401095003400
 Sec/Twp/Rng 3-109-50
 Property Address 632 W 32ND ST S
 BROOKINGS

Alternate ID n/a
 Class NACS
 Acreage n/a

Owner Address BAK, CHELSEA ET VIR
 632 W 32ND ST S
 BROOKINGS SD 57006

District 1201
 Brief Tax Description OL 1 IN SW 1/4 SE 1/4 SEC 3-109-50 1.25 ACRES
 (Note: Not to be used on legal documents)

Date created: 6/2/2025
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Developed by SCHNEIDER
 GEOSPATIAL

Looking west down W 32nd St S from driveway.



Looking north down driveway from W 32nd St S.



2025jjvar001-Brandon Bak

Looking east down W 32nd St S from driveway.



Looking north from driveway at storage shed.



Looking east, wheel at 1 foot from north property line.



Looking west, wheel at 1 foot from north property line.



Lift station inside storage shed.



I, Kathy Roth, give permission to Brandon Bak to place a storage shed 1 foot from my property line.

Signature:  Date: June 19 2025

RECEIVED

JUN 20 2025

BROOKINGS
COUNTY DEVELOPMENT