BROOKINGS COUNTY PLANNING & ZONING COMMISSION

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

AGENDA

Brookings County Planning & Zoning Commission meetings are still open to the public and we will be enforcing social distancing. If you would like to call in, dial 605-697-8255 and enter code 6056968205 when prompted. Please, if you have any symptoms of COVID-19 or believe you may have been exposed, consider watching the meeting from home broadcast live on Swiftel channel 19, ITC channel 168, or the Brookings County YouTube channel, and call in if you have any comments or questions.

1. **Call to Order - 8:00 PM on Tuesday, August 4, 2020**
2. **Approval of Minutes - July 7, 2020**

   Documents:

   MINUTES-July 7, 2020 PZ Minutes DRAFT 7-14-2020.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**

   Anyone wanting to speak during this agenda item much sign in prior to the start of the meeting. Any requested action items much 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 Brookings County Planning and Zoning Commission**
8. **Consideration of Plats**

   A. **2020plat014**

   "Plat of Lot 11A, Block 2, Sunset Point Addition in Govt. Lots 3 & 4 of Section 22, T112N, R47W of the 5th P.M., Brookings County, South Dakota."

   Documents:

   2020plat014 (Sunset Point) Staff Report.pdf

   B. **2020plat015**

"Plat of Lots 1-5 in Block 1 in Paradise Point Addition in Govt. Lot 2, Section 22, T112N, R47W of the 5th P.M., Brookings County, South Dakota."

Documents:

2020plat015 (Paradise Point) Staff Report.pdf

C. **2020plat016**

"Plat of Lot 44A of the First Addition of Lake Poinsett Heights Subdivision in Lot 2, Section 5, T112N, R52W of the 5th P.M., Brookings County, South Dakota."

Documents:

2020plat016 (Comes) Staff Report.pdf

D. **2020plat017**

"Plat of Lot 12 of Ramlo Shores Subdivision in Govt Lot 4 in Section 21, T112N, R47W of the 5th P.M., Brookings County, South Dakota."

Documents:

2020plat017 (Ramlo) Staff Report.pdf

9. **Convene as Brookings County Board of Adjustment**
(The Board of Adjustment needs 2/3 approval of the full board to approve any agenda item.)

10. **Tabled from July 7, 2020 Meeting - 2020var008**

Amanda Blok has made an application, 2020var008, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 1: Lot Size. The property is described as: "S480' of W474' of SW1/4 SW1/4 of Section 2, T110N, R49W (Aurora Township)" ~~ located at 47606 209th St, Aurora, SD 57002.

Documents:

2020var008-Staff Report-Updated 7-24-2020 (Blok).pdf

11. **2020var010**

Daniel Schaal has made an application, 2020var010, to the Brookings County Board of Adjustment for a variance. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.03. Density, Area and Yard Regulation (Minimum Lake Front and Minimum Side Yard). The property is described as: "Lots 21-22 Exc W 2' Marvin Wade Subdivision in the NE1/4 of Section 6, T112N, R52W (Laketon Township)" ~~ located at 218 S Lake Dr, Arlington, SD 57212.

Documents:

2020var010 (Schaal) Staff Report.pdf
2020var010 Application.pdf

A. **Comments received - 2020var010**

Documents:

Annette Gering_7-22-2020-phone.pdf

12. **2020var009**

Raymond Konz has made an application, 2020var009, to the Brookings County Board of Adjustment for a variance. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.03. Density, Area and Yard Regulation (Minimum Side Yard). The property is described as: "Lot 7 Point Clara Addition in SW1/4 of Section 22, T112N, R47W (Lake Hendricks Township)"~~ located at 720 S Lake Hendricks Dr, Hendricks, MN 56136.

Documents:

2020var009-(Konz) Staff Report.pdf
2020var009 Application.pdf

13. **2020cu016**

Raymond Konz has made an application, 2020cu016, to the Brookings County Board of Adjustment for a conditional use. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.02 Conditional Uses Permit # 6: Accessory buildings with a side-wall greater than fourteen (14) feet or more than 2,000 square feet and used accessory buildings greater than 120 square feet. The property is described as: "Lot 7 Point Clara Addition in SW1/4 of Section 22, T112N, R47W (Lake Hendricks Township)"~~ located at 720 S Lake Hendricks Dr, Hendricks, MN 56136.

Documents:

2020cu016-(Konz) Staff Report.pdf
2020cu016 Application.pdf

14. **2020cu015**

Dakota Redi-Mix LLC by Robert Winter has made an application, 2020cu015, to the Brookings County Board of Adjustment for a conditional use. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 5B: Concrete Mixing Plant. The property is described as: "SE1/4 Exc H-3 & H-4 of Section 18, T109N, R49W (Trenton Township)". ~~ located at 47280 SD Hwy 324, Brookings, SD 57006.

Documents:

2020cu015 (Winter) Staff Report.pdf
2020cu015 Application.pdf

A. **Comments received - 2020cu015**

Documents:

P Telkamp_7-23-2020-phone.pdf
P Telkamp_7-24-2020-letter.pdf
L Telkamp_7-27-2020-letter.pdf
L TelkampCastro_7-28-2020-email.pdf

15. **Department Reports**

16. **Executive Session, if Necessary.**

17. **Adjourn**

18. **Public Notices**

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF JULY 7, 2020 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, July 7, 2020. Modified meeting practices were used due to the global pandemic of COVID-19. Attendance for meetings to be via phone or for those in attendance the CDC recommended guidelines were followed in the Commission Chambers. The following members were present: Mike Bartley, Chad Ford, Tom Davis, Darrell Nelson, Darrel Kleinjan, Kyle Vanderwal, Terrell Spence and Randy Jensen. Members that phoned in were: alternate Spencar Diedrich and Senior Planner from First District Association of Local Governments Luke Muller. Absent were: Michael McHugh, and alternate Roger Erickson. Also present was: County Development Director/Emergency Manager Robert Hill.

CALL TO ORDER
Chair Ford called the meeting to order at 8:00 PM

APPROVAL OF MINUTES
(Vanderwal/Bartley) Motion to approve the June 2, 2020 Meeting Minutes. Roll call vote: Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Spence-aye, Jensen-aye, Diedrich-aye, Ford-aye. **MOTION CARRIED.**

ITEMS TO BE ADDED TO AGENDA BY COMMISSION MEMBERS OR STAFF
None added.

INVITATION FOR CITIZENS TO SCHEDULE TIME ON AGENDA FOR 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
(Davis/Vanderwal) Motion to approve the agenda for the July 7, 2020 Meeting. Roll call vote: Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Spence-aye, Jensen-aye, Diedrich-aye, Bartley-aye, Ford-aye. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

2020VAR007
Application by Todd Langland 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: "N750' of W782' of NW1/4 NW1/4 Exc Hwy in Section 28, T110N, R48W (Alton Township)" ~~ located at 48011 US Hwy 14, White, SD 57276.

(Nelson/Bartley) Motion to approve the Variance request.

DRAFT 7-14-2020

STAFF REPORT: Prepared by Richard Haugen, presented by Robert Hill. Applicant is requesting a variance to build a 16' x 16' residential addition 70 feet from the US Hwy 14 right of way, a variance of 30 feet. Applicant was granted a variance on April 1, 2001 to build the residence in the current location due to location of an existing driveway and farm buildings. Considerations or hardships: location of current residence and farm buildings, floorplan of residence limits were addition can be located. Public Notices were published in the Brookings Register on June 23 and 30, 2020 and in the White Tri-City Star on June 25 and July 2, 2020. Letters were sent to the adjoining landowner's, Alton Township Chairman and Clerk. No objections or concerns were received by the zoning office.

PUBLIC HEARING: Todd Langland informed those present he was granted a variance in 2001 to build a home. At that time plans were to build a 15' x 15' deck onto that home but that did not happen. At this time he would like to build a 3-season room onto the residence.

Proponents: None.

Opponents: None.

DISCUSSION: Hill presented a visual presentation of the site. No board members had questions or comments regarding the request. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Roll call vote: Nelson-aye, Kleinjan-ay, Spence-aye, Jensen-aye, Vanderwal-aye, Diedrich-aye, Bartley-aye, Davis-aye, Ford-aye. **MOTION CARRIED.**

2020VAR008

Application by Amanda Blok for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 1: Lot Size. The property is described as: "S480' of W474' of SW1/4 SW1/4 of Section 2, T110N, R49W (Aurora Township)" ~~ located at 47606 209th St, Aurora, SD 57002.

(Jensen/Vanderwal) Motion to approve the Variance request.

STAFF REPORT: Prepared by Richard Haugen, presented by Robert Hill. Applicant is requesting a variance to build 21 feet outside the permitted buildable area of an historical school site. At the November 7, 2017 meeting the Brookings County Planning Commission confirmed the 1 acre square site (209' x 209') was a school site and permitted use for a single family residence. The current parcel of 5.66 acres was split off in 2002 and included the historical school site, hog barns, grain bins and farm buildings. Amada Blok, has a purchase agreement with the current landowner subject to the approval of the variance request. Considerations would be: 1) the 21' variance would allow the expansion of the minimum lot area that was granted by the board on November 7, 2017 for the original size of the lot. 2) Proposed variance would allow a proposed residence to be built exceeding the 133 feet township road and 150 feet county road setback requirements. 3) Best use of the remaining 4.66 acres – a residence of Ag use (grain storage, livestock production). Public Notices were published

DRAFT 7-14-2020

in the Brookings Register on June 23 and 30, 2020 and the White Tri-City Star on June 25 and July 2, 2020. Letters were sent to the adjoining landowner's, Aurora Township Chairman and Clerk, Brookings County Highway Department. Visual presentation of the site also given by Hill.

PUBLIC HEARING: Applicant Amanda Blok informed those present she wanted to build a house a little further from the road so that more trees could be planted to protect from the weather. She noted that they may also build a little barn for some chickens, rabbits and horses. Aryan Blok informed those present that the property would be use for 100% private use, no Ag business and may have a small barn put on the property for horses and chickens but would be 100% private use.

Proponents: Luke Muller from First District added that he had helped Mr. Haugen with report preparations. He reiterated the board had exercised its administrative capacity in 2017, in stating and pointing out that the 1 acre building site had the ability to have a house built on it. The reason for the variance was to allow for building 21 feet outside of the old 1 acre lot (school site). He asked the board to consider requiring a replat of the property if that wasn't already expected to be done if the action was approved.

Opponents: R. Shawn Tornow, Attorney at Law noted he represented adjacent property owners Shana Robbins and Caleb Cohrs. He noted the following concerns: 1) Application was submitted by the wrong entity or individual. 2) Proper notice was not provided to adjacent property owners. 3) Published notice did not meet the requirements of being published 14 days before the hearing, but was 13 days. 4) Application doesn't state type, size or purpose of proposed building. 5) No hardship or peculiarity shown for a need for a variance. 6) Concern that property could turn into a CAFO. Shana Robbins handed board members a document of opposition signed by neighboring property owners and/or local tax payers in Brookings County identified as Aurora Citizens for Accountability. Hill read and displayed the comments the office had received, posted online and placed on file from: Caleb Cohrs, Pam & Gregg Stern, Shana Robbins, Verna Clark. He also read a comment received after the Thursday noon deadline from Steve Bunkers.

DISCUSSION: Bartley asked Muller for his opinion on if: 1) if notice in the paper was not met (13 vs 14 days). 2) Applicants signature being owners of the property vs. the purchaser of the property. Muller noted for legal opinion board would need to rely on the States Attorney. He did gave feedback: 1) as far as zoning administration he had dealt with similar arguments regarding notice to adjoining/adjacent property owners and Zoning Offices would not consider that Shana Robbins as being an adjacent property, 2) multiple communities have honored and counted back from day of publication 3) as far as signature on application – probably best to have a letter from the current owner say they are ok with or under that the application is being made. Bartley stated, "I think you pointed out some vital things that we need to consider, I would consider that we should probably go ahead and table this until our next meeting in order to allow those things to happen and the consideration of a replat application for the lot contingent upon the sale." Ford also asked Muller question regarding CAFO and setback requirements as the public had concerns regarding location being a possible CAFO (Confined Animal

DRAFT 7-14-2020

Feeding Operation) Site. Muller noted a Conditional Use application would need to be applied for, the number of animal units would determine setback distances and noted that it would not be included to be accepted at the location.

(Bartley/Davis) Motion to Table variance request until the August (4th, 2020) Meeting.

VOTE: Roll call vote: Kleinjan-aye, Vanderwal-aye, Spence-aye, Jensen-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Ford-aye. **MOTION CARRIED.**

2020CU012

Application by Ryan Hanson for a conditional use. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 26: "The County Zoning Commission may permit other uses which, in its opinion, are not detrimental to other uses and are in the general character of the Agricultural District". The property is described as:"W1/2 SW1/4 Exc N 2 Rods in Section 15, T110N, R51W (Volga Township)".

(Bartley/Jensen) Motion to approve the Conditional Use.

STAFF REPORT: Prepared by Richard Haugen, presented by Robert Hill. Applicant is requesting a conditional use for agricultural seed sales and bulk farm herbicide and insecticide sales. Seed sales and sale of bulk herbicide/insecticide to be added to the agricultural section of the ordinance update. The seed sales would be started as soon as possible with sale of bulk herbicide/insecticide to be added in the future. No mixing for field application of herbicides or insecticides would take place on site, business would only store and sell products to customers. Business would be located on US Hwy 14 and ¾ of a mile west of the city of Volga. The SD DOT had been notified and had no objections as existing driveway will be used. City of Volga also had no objections to the request. Applicant would need to apply for a license from the SD Dept. of Ag., for seed sales/treatment and herbicide/insecticide sales in quantities up to 275 gallons if request approved. No containment barriers needed for quantities up to 275 gallons by the SD Dept. of Ag and no registration is required by the EPA. Site will consist of warehouse/office building, bulk seed bin storage and inside storage. Seed will be brought in by semi-trailer to the site and stored in bulk seed ins or prepacked bulk storage containers, treatment will take place in the warehouse as seed is sold and delivered to customers. The applicant has a purchase agreement with the land owner for the proposed 4.5 +/- acres site. Preliminary survey of site filed with application. Public Notices were published in the Brookings Register on June 23 and 30, 2020 and the Volga Tribune on June 25 and July 2, 2020. Letters were sent to the adjoining landowner's, South Dakota Department of Transportation and Volga Township Chairman and Clerk. Visual presentation of the site also given by Hill.

PUBLIC HEARING: Applicant Ryan Hanson informed those present he was just asking for a conditional use permit to start a seed dealership.

Proponents: Jim Schade representing Hillside Cemetery noted he was in favor of the request, asked that consideration be given to help in monitoring and aiding dust control on adjoining gravel road and welcomed the new business to the neighborhood.

DRAFT 7-14-2020

Opponents: None.

DISCUSSION: Davis asked if a row of trees would be planted. Hanson noted possibly a row for a barrier between the cemetery and building and possibly on the north side an extension onto the existing area of trees for more of a snow barrier. Ford asked if Hanson had been in contact with the cemetery. Hanson noted he had initial visited with someone but that he would find out board members and get their feedback. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Roll call vote: Spence-aye, Jensen-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Ford-aye. **MOTION CARRIED.**

2020CU013

Application by Joshua Bungard for a conditional use. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 6: Contractors' shops and yards and Conditional Use Permit #20: Home Extended Business". The property is described as: "Lucas Addition in NW1/4 Section 11, T111N, R49W (Afton Township)" ~~ located at 20328 476th Ave, White, SD 57276.

(Davis/Nelson) Motion to approve the Conditional Use.

STAFF REPORT: Prepared by Richard Haugen, presented by Robert Hill. Applicant is requesting a conditional use for a Contractor's shop and yard and a Home Extended Business. The contractor's yard will be located on the parcel where he resides, will be used for a small scale construction and landscaping business for equipment storage and supplies. The Home Extended Business would be a temporary seasonal campground for seasonal employees of his business and construction worker or hunters/tourists in the fall. Campground plans are for: 4 – 30' x 60' RV pads with water, sewer and electricity. Preliminary plans are for a sealed holding tank septic system that would be pumped out as required by a septic service. Septic system and drinking water will need to meet SD DENR requirements. Dumpster will be on site and serviced by a trash service. A license for a campground will be needed from SD Dept. of Health if occupants stay for less than 28 consecutive days per SDCL 34-18-1 and Administrative Rules of SD 44:03:14 will need to be met. Campground spaces are screened by shelterbelt along road and north side of property and would be operational May to October only. Applicant has visited with the township regarding a road agreement and they have no objections to the contractor yard or the seasonal campground. Public Notices were published in the Brookings Register on June 23 and 30, 2020 and the White Tri-City Star on June 25 and July 2, 2020. Letters were sent to the adjoining landowner's, Afton Township Chairman and Clerk. Visual presentation of the site also given by Hill.

PUBLIC HEARING: Applicant Joshua Bungard and spouse Staci Bungard went over their business plan that had been provided to the board as well included in their file.

Proponents: None.

DRAFT 7-14-2020

Opponents: None.
DISCUSSION: Davis asked capacity of septic tank. Bungards' noted they would make sure it was more than adequate and follow state regulations. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Roll call vote: Jensen-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Spence-aye, Ford-aye. **MOTION CARRIED.**

2020CU014
Application by Dennis Ommen for a conditional use. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.02 Conditional Uses Permit # 6: Accessory buildings with a side-wall greater than fourteen (14) feet or more than 2,000 square feet and used accessory buildings greater than 120 square feet. The property is described as: "Lot 3 in Ommen Addition in Govt Lot 9 in NE1/4 of Section 12, T112N, R48W (Oak Lake Township)".

(Kleinjan/Vanderwal) Motion to approve the Conditional Use.

STAFF REPORT: Prepared by Richard Haugen, presented by Robert Hill. Applicant is requesting a conditional use for an accessory building measuring 50' (wide) x 100' (long) with 14 feet sidewalls (5,000 sq. ft.) to be used for personal storage. The building would be located on a 9.58 acre parcel that was rezoned from Natural Resources to Lake Park in 1975. Public Notices were published in the Brookings Register on June 23 and 30, 2020 and the White Tri-City Star on June 25 and July 2, 2020. Letters were sent to the adjoining landowner's, Oak Lake Township Chairman and Clerk and Brookings County Highway Department. Visual presentation of the site also given by Hill.

PUBLIC HEARING: Applicant Dennis Ommen informed those present that he was also planning on building a house on the site. He identified the location of the proposed accessory building and a future residence. He further noted the building(s) would not be easily visible from the road.

Proponents: None.

Opponents: None.

DISCUSSION: Board members Davis and Nelson asked if setbacks would be met. Hill verified that Lake Park setbacks were 75 feet and would be met. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Roll call vote: Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Spence-aye, Jensen-aye, Ford-aye. **MOTION CARRIED.**

BY-LAW UPDATE

(Vanderwal/Bartley) Motion to approve the By-Law Update.

DRAFT 7-14-2020

DISCUSSION: Hill noted that the board members had been provided with By-Laws to review and amend. Changes were needed to note the televised and teleconferencing of meetings and new SD Codified Law that took place July 1, 2020. Hill called on Luke Muller for additional comments. Muller noted the changes were a mesh of state law and how things were ran at the meetings. It was being done to keep things up to date. Hill asked for comments from board members. Hearing none.

VOTE: Roll call vote: Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Spence-aye, Jensen-aye, Diedrich-aye, Ford-aye. **MOTION CARRIED.**

DEPARTMENT REPORTS

Hill announced Covid-19 had been affecting offices and the building operations. All county offices were open and social distancing was practiced in daily operations and at meetings. He reminded everyone to continue to practice social distancing, mask wearing and wash your hands often.

ADJOURN
(Vanderwal/Bartley) Motion to adjourn. All member voted "aye." **MOTION CARRIED.**
Chair Ford adjourned the meeting at 9:40 PM.

_____
Rae Lynn Maher
Brookings County
Development Department

DRAFT 7-14-2020

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: zoning@brookingscountysd.gov

2020 plat014 – August 4, 2020

Prepared by Richard Haugen,

Applicant/Owner: Lake Dreams LLC, Preston Mettler & Jim Breckenridge 2809 E 51st St, Sioux Falls, SD 57103

Legal Description: "Plat of Lot 11A in Block 2 of Sunset Point Addition in Govt Lots 3 & 4 of Section 22, T112N, R47W of the 5th Principal Meridian, Brookings County, South Dakota."

2020plat014: This is a plat of "Lot 11A in Block 1 of Sunset Point Addition." Sunset Point Addition is located at Lake Hendricks, it was originally platted and approved by the Zoning Commission on November 1st, 2005, into lake lots meeting the 20,000 sq ft requirement. On October 2nd, 2012 all the lots that were platted in 2005 that were not sold were re-platted into larger lots for tax purposes. They have sold a lot and lot 11A is being re-platted into an individual lake lot, like it was originally platted.

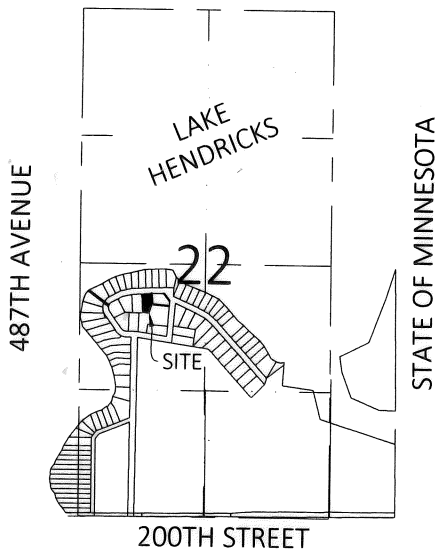
PLAT OF

LOT 11A, BLOCK 2, SUNSET POINT ADDITION

IN GOVERNMENT LOTS 3 & 4

OF SECTION 22, TOWNSHIP 112 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN,

BROOKINGS COUNTY, SOUTH DAKOTA



Line Table		
Line #	Length	Direction
L1	6.42	S87°18'20"W

N

60 0 60

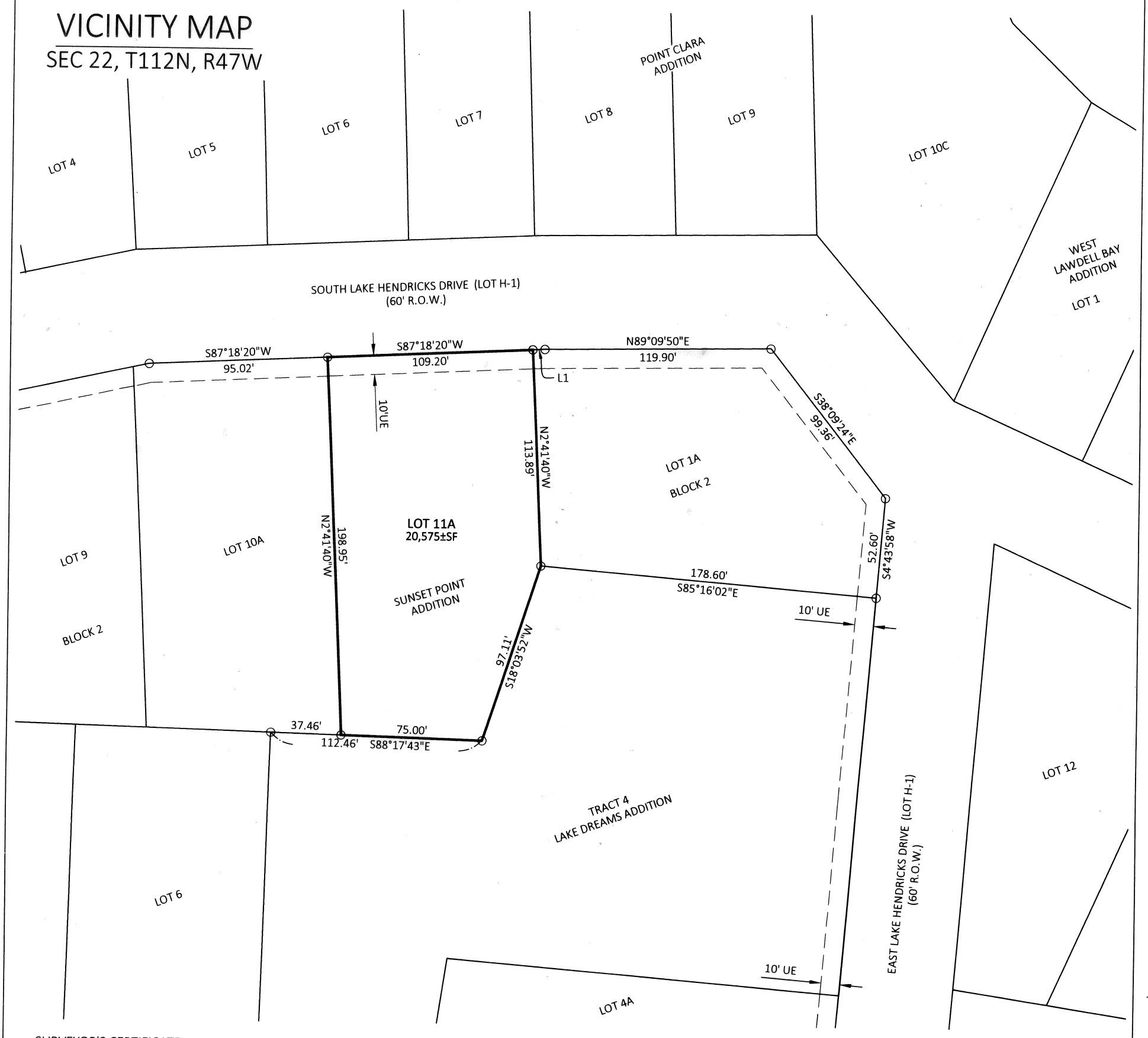
○ = FOUND IRON PIN

● = SET 5/8" REBAR W/CAP #8295

U.E. = UTILITY EASEMENT

VICINITY MAP

SEC 22, T112N, R47W



SURVEYOR'S CERTIFICATE

I, NATHAN L. JIBBEN, OF JSA CONSULTING ENGINEERS/LAND SURVEYORS, INC., A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I DID, ON OR BEFORE JULY 2, 2020, SURVEY A PORTION OF TRACT 4 OF LAKE DREAMS ADDITION IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 112 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, BROOKINGS COUNTY, SOUTH DAKOTA AS SHOWN ON THE ABOVE PLAT. THAT PORTION OF LAND SHALL HEREAFTER BE KNOWN AND DESCRIBED AS LOT 11A, BLOCK 2, SUNSET POINT ADDITION IN GOVERNMENT LOTS 3 & 4 OF SECTION 22, TOWNSHIP 112 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, BROOKINGS COUNTY, SOUTH DAKOTA CONTAINING 0.47 ACRES±.

I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THE ABOVE PLAT CORRECTLY REPRESENTS THE SAME, IS TRUE AND CORRECT AND THAT IT WAS MADE UNDER MY DIRECT SUPERVISION.

DATED THIS 14TH DAY OF July, 2020.

NATHAN L. JIBBEN, RLS 8295

REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR
REG. NO. 8295
NATHAN L. JIBBEN
SOUTH DAKOTA

PREPARED BY: JSA CONSULTING ENGINEERS/LAND SURVEYORS, INC.,
6810 S. LYNCREST AVE SUITE 101, SIOUX FALLS, SOUTH DAKOTA, 57108 605-367-1036

BROOKINGS / SUNSET POINT ADDITION / 70065

PLAT OF

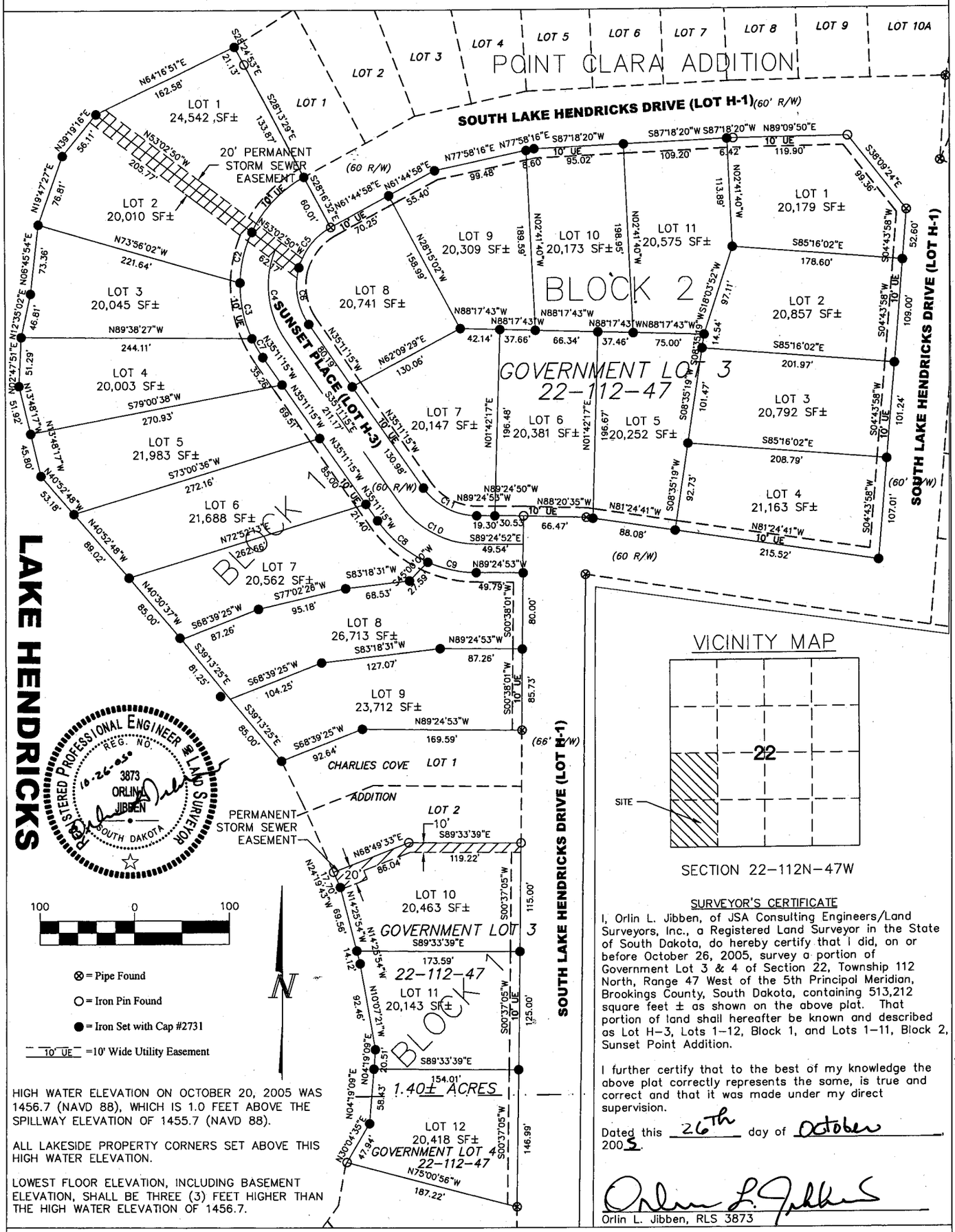
LOT H-3; AND LOTS 1-12, BLOCK 1; AND LOTS 1-11, BLOCK 2; IN SUNSET POINT ADDITION

IN GOVERNMENT LOT 3 & 4

OF SECTION 22, TOWNSHIP 112 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN,

BROOKINGS COUNTY, SOUTH DAKOTA

#195901 Filed: Decmber 14, 2005 at 9:30 A.M., recorded in Book 24 of Plats, page 77.



HIGH WATER ELEVATION ON OCTOBER 20, 2005 WAS 1456.7 (NAVD 88), WHICH IS 1.0 FEET ABOVE THE SPILLWAY ELEVATION OF 1455.7 (NAVD 88).

ALL LAKESIDE PROPERTY CORNERS SET ABOVE THIS HIGH WATER ELEVATION.

LOWEST FLOOR ELEVATION, INCLUDING BASEMENT ELEVATION, SHALL BE THREE (3) FEET HIGHER THAN THE HIGH WATER ELEVATION OF 1456.7.

VICINITY MAP

SECTION 22-112N-47W

SURVEYOR'S CERTIFICATE

I, Orlin L. Jibben, of JSA Consulting Engineers/Land Surveyors, Inc., a Registered Land Surveyor in the State of South Dakota, do hereby certify that I did, on or before October 26, 2005, survey a portion of Government Lot 3 & 4 of Section 22, Township 112 North, Range 47 West of the 5th Principal Meridian, Brookings County, South Dakota, containing 513,212 square feet ± as shown on the above plat. That portion of land shall hereafter be known and described as Lot H-3, Lots 1-12, Block 1, and Lots 1-11, Block 2, Sunset Point Addition.

I further certify that to the best of my knowledge the above plat correctly represents the same, is true and correct and that it was made under my direct supervision.

Dated this 26th day of October, 2005.

Orlin L. Jibben, RLS 3873

#195901

PREPARED BY: JSA CONSULTING ENGINEERS/LAND SURVEYORS, INC., 3700 S. WEST AVENUE, SIOUX FALLS, S.D. 57105-6352 (605)-367-1036

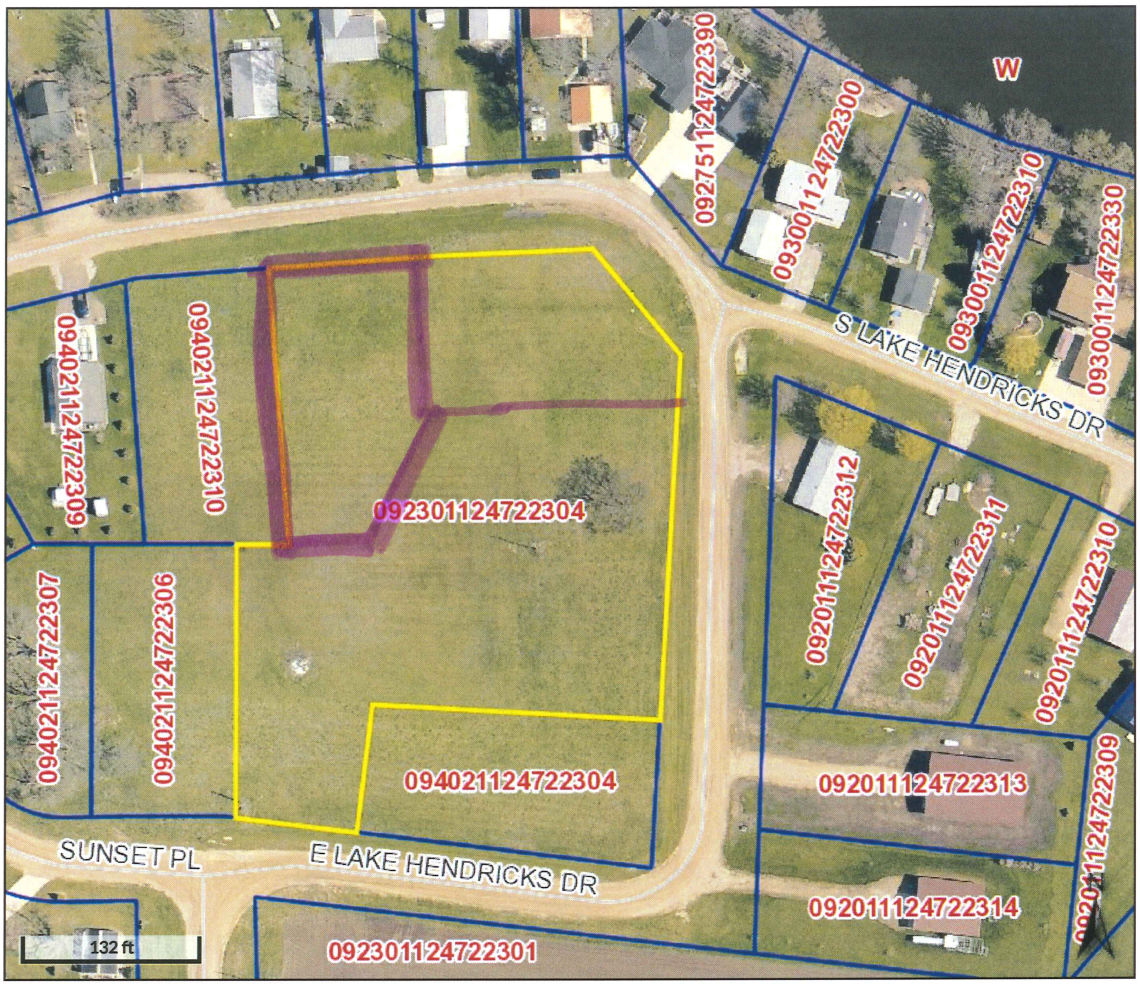
PAGE_1_OF_3

BROOKINGS/SUNSET_POINT/70065/32012-01.DWG

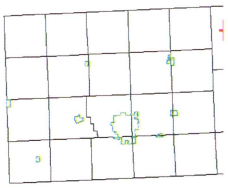
Lot 11A - Block 2 - Sunset Point Addition

2020 plat 014

Beacon™ Brookings County, SD



Overview



Legend

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

Parcel ID	092301124722304	**Alternate ID**	n/a	**Owner Address**	LAKE DREAMS LLC
Sec/Twp/Rng	22-112-47	**Class**	AGC		2809 E 51ST ST
Property Address		**Acreage**	2.36		SIOUX FALLS SD 57103
District	0910A				

Brief Tax Description LAKE DREAMS ADDN TRACT 4 EXC LOT 4A & 10A BLK 2 SUNSET POINT ADDN SEC 22-112-47 2.36 ACRES
(Note: Not to be used on legal documents)

Date created: 7/20/2020
Last Data Uploaded: 7/20/2020 8:06:24 AM

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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: zoning@brookingscountysd.gov

Brookings County Planning and Zoning Commission
August 4, 2020 – 8:00 PM meeting

2020plat016– August 4, 2020

Prepared by Richard Haugen

Applicant/Owner: Martin Comes, 4558 163rd St, Watertown, SD 57201

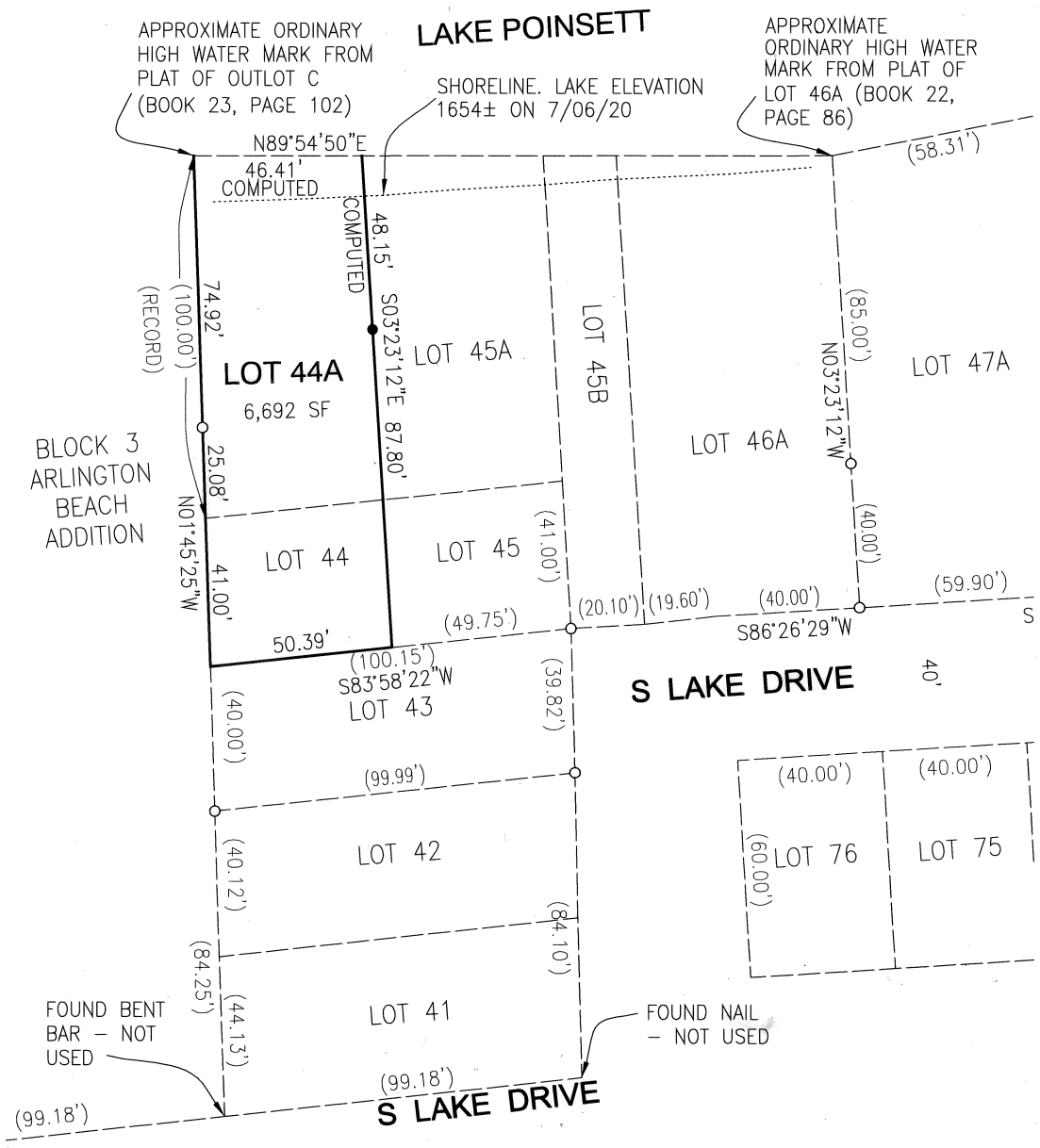
Legal Description: "Plat of Lot 44A of the First Addition of Lake Poinsett Heights Subdivision in Lot 2, Section 5, T112N, R52W, of the 5th P.M., Brookings County, South Dakota."

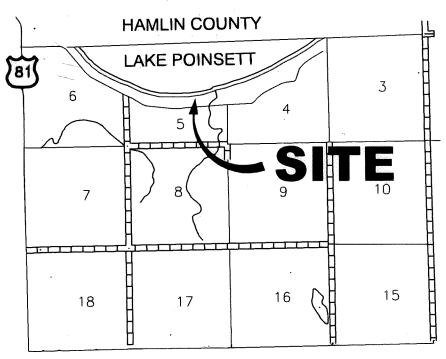
2020plat016: Martin Comes is re-platting his lot at Lake Poinsett to the ordinary high water mark. Lake Poinsett Heights was originally was platted in 1922. The width of the lot will stay the same, it is the depth of the lot that is being updated down to the Ordinary High Water Mark. The original depth was 41 feet, the new distance to the Ordinary High Water Mark is 140.76 feet.

Project No. 20062
Dated: 7/15/20
Dwg: Lake Poinsett Hgts Lot 44A

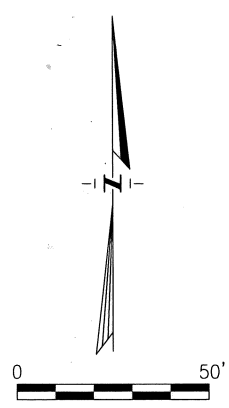
Lot 44A of the First Addition of Lake Poinsett Heights Subdivision in Lot 2, Section 5, T112N, R52W of the 5th P.M.,

Brookings County, South Dakota





VICINITY MAP



LEGEND

- ○ MONUMENT FOUND
- ● REFERENCE CORNER SET (#5x1.5' REBAR W/SURVEYOR'S ID CAP)
- (40.0') RECORD DIMENSION
- ——— PREVIOUSLY PLATTED AREA

NOTES:
Lake elevation was shot at 1654.0 on July 6, 2020.

Ordinary High Water Mark (OHWM) is 1652.4. Due to lake level being above the OHWM at the time of this survey, location of OHWM is based on the previous Plats of Outlot C and Lot 46A as referenced.

(NAVD 88 Datum. NGVD 29 is approximately 0.9' lower)

SURVEYOR'S CERTIFICATE

I, Gary L. Andersh, of Schmitz, Kalda & Associates, Inc., a Registered Land Surveyor in the State of South Dakota, do hereby certify that I have, on or before this date, and at the request and direction of the property owner, surveyed and all of Lot 44 of the First Addition of Lake Poinsett Heights Subdivision in Lot 2, Section 5, T112N, R52W of the 5th P.M., Brookings County, South Dakota, and surveyed a portion of Government Lot 2 of Section 5, Township 112 North, Range 52 West of the 5th P.M., Brookings County, South Dakota, and divided and replatted the same into the following as shown on the plat:

Lot 44A of the First Addition of Lake Poinsett Heights Subdivision in Lot 2, Section 5, T112N, R52W of the 5th P.M., Brookings County, South Dakota

The same shall hereafter be known and described as **Lot 44A of the First Addition of Lake Poinsett Heights Subdivision in Lot 2, Section 5, T112N, R52W of the 5th P.M., Brookings County, South Dakota** .

I further certify that to the best of my knowledge the plat correctly represents the same, is true and correct and that it was made under my direct supervision.

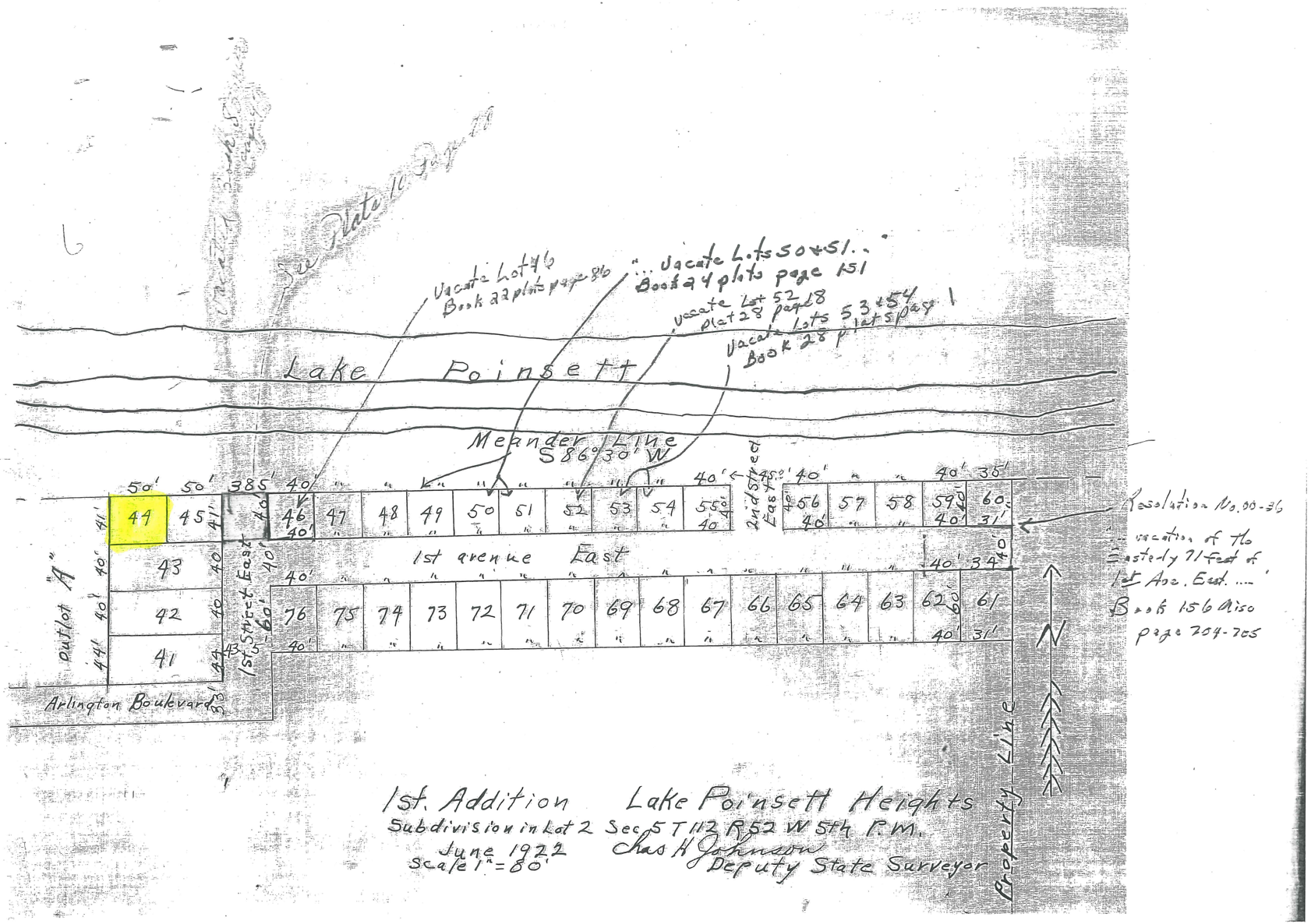
Dated: July 15, 2020

Gary L. Andersh, LS

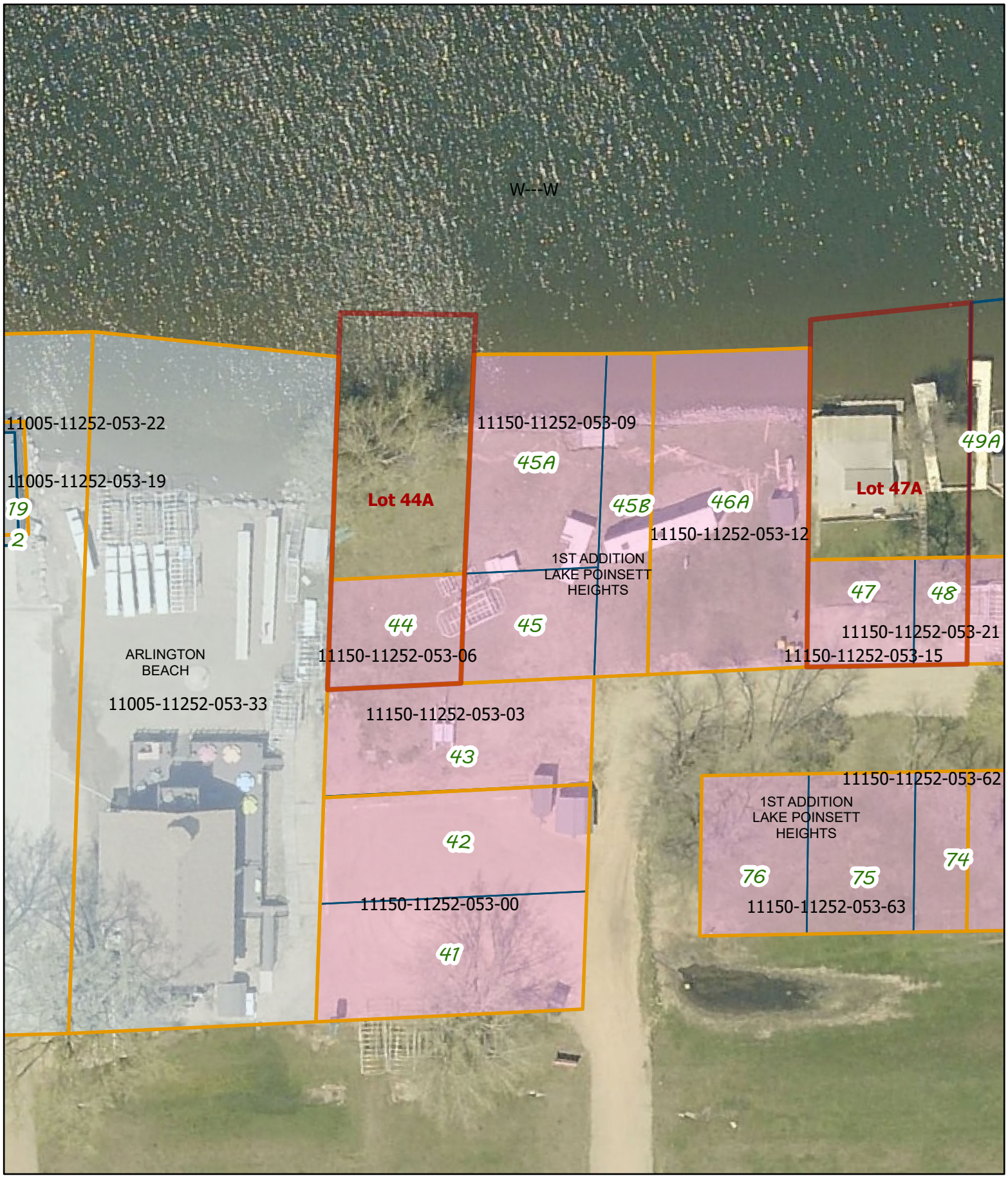
REGISTERED LAND SURVEYOR
GARY L. ANDERSH
REG. NO. 4576
SOUTH DAKOTA

Prepared By:
SCHMITZ, KALDA & ASSOC., INC.
320 N. Main Avenue
Sioux Falls, SD 57104
(605) 332-8241

SKA Schmitz, Kalda & Associates, Inc.



1st. Addition Lake Poinsett Heights
Subdivision in Lot 2 Sec 5 T 112 R 52 W 5th P.M.
June 1922 Chas H Johnson
Scale 1" = 80' Deputy State Surveyor

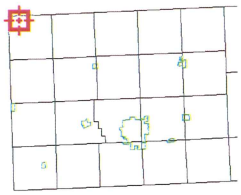


Lot 44A-First Addn Lake Poinsett Heights

2020plat 016

Beacon™ Brookings County, SD

Overview



Legend

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

Parcel ID	111501125205306	**Alternate ID**	n/a	**Owner Address**	COMES, MARTIN J ET UX
Sec/Twp/Rng	5-112-52	**Class**	NAC		45548 163RD ST
Property Address		**Acreage**	n/a		WATERTOWN SD 57201
District	110919				
Brief Tax Description	LAKE POINSETT HTS 1ST ADD SW 1/4 SEC 5-112-52 LOT 44 50' X 41'				
	(Note: Not to be used on legal documents)				

Date created: 7/14/2020
Last Data Uploaded: 7/14/2020 8:07:58 AM

Developed by Schneider GEOSPATIAL

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: zoning@brookingscountysd.gov

2020 plat017 – August 4, 2020

Prepared by Richard Haugen,

Applicant/Owner: Ramlo Family Revocable Living Trust, 48635 197th St, Hendricks, MN 56136

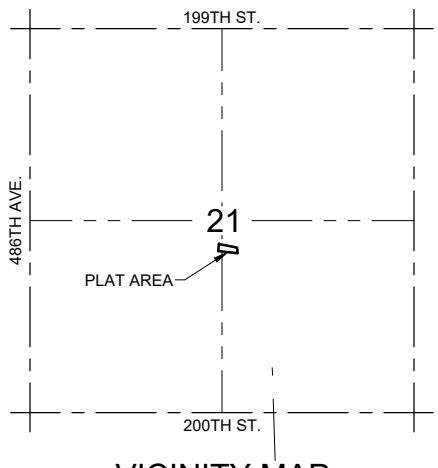
Legal Description: "Plat of Lot 12 Ramlo Shores Subdivision in Government Lot 4 in Section 21-T112N-R47W of the 5th P.M., Brookings County, South Dakota."

2020plat017: The Ramlo Family is platting off Lot 12 in Ramlo Shores Subdivision at Lake Hendricks. The preliminary plat was approved on May 1, 2001 by the Brookings County Planning and Zoning Commission. A final plat is submitted when a lot is sold. The lot contains 21,927 square feet. The lots meet the Lake Park – Density, Area and Yard Regulation for Lake Front lots.

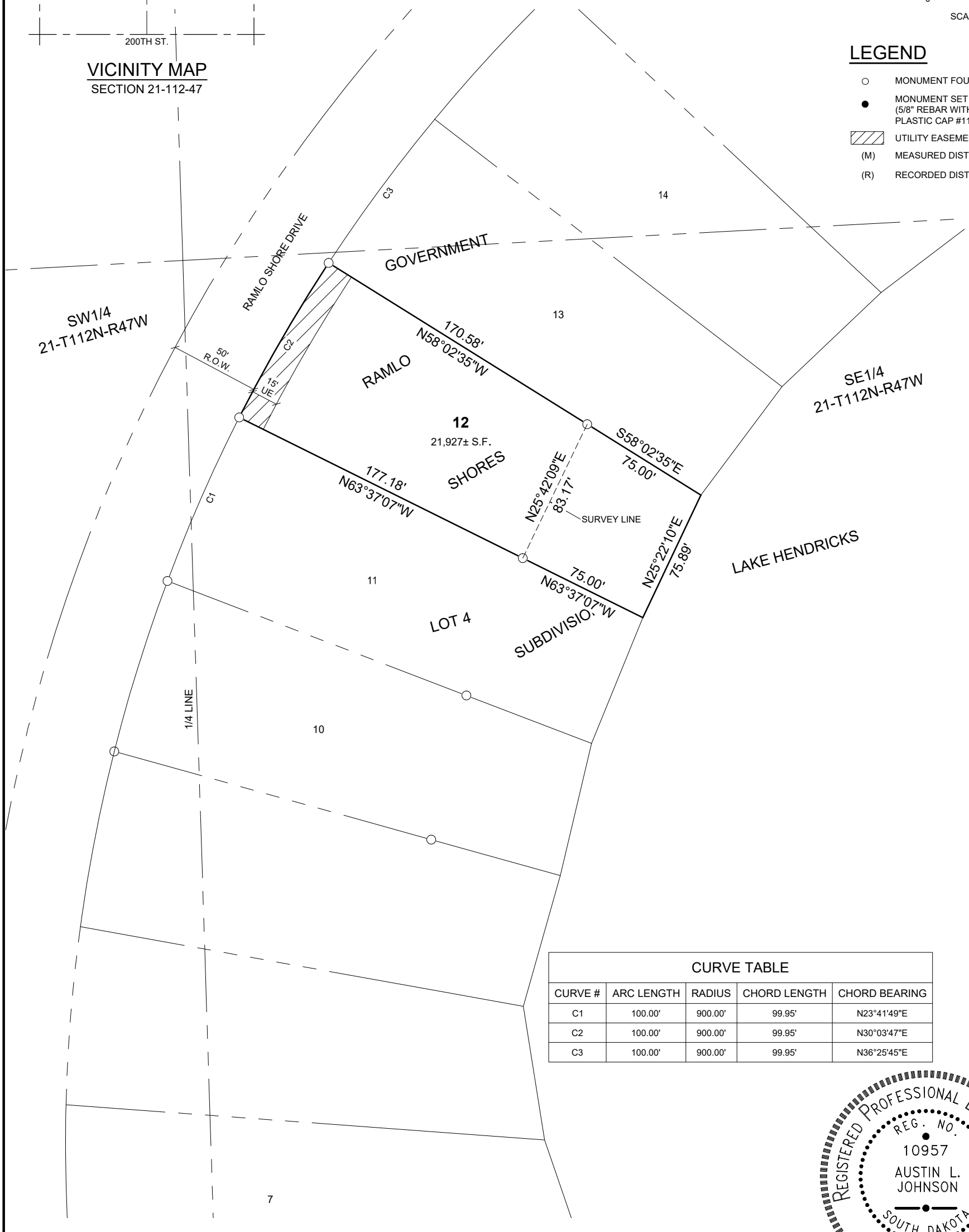
PLAT OF

LOT 12 OF RAMLO SHORES SUBDIVISION

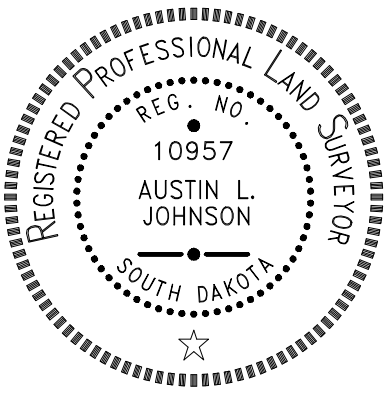
IN GOVERNMENT LOT 4 IN SECTION 21-T112N-R47W OF
THE 5TH P.M., BROOKINGS COUNTY, SOUTH DAKOTA



VICINITY MAP
SECTION 21-112-47



CURVE TABLE				
CURVE #	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	100.00'	900.00'	99.95'	N23°41'49"E
C2	100.00'	900.00'	99.95'	N30°03'47"E
C3	100.00'	900.00'	99.95'	N36°25'45"E

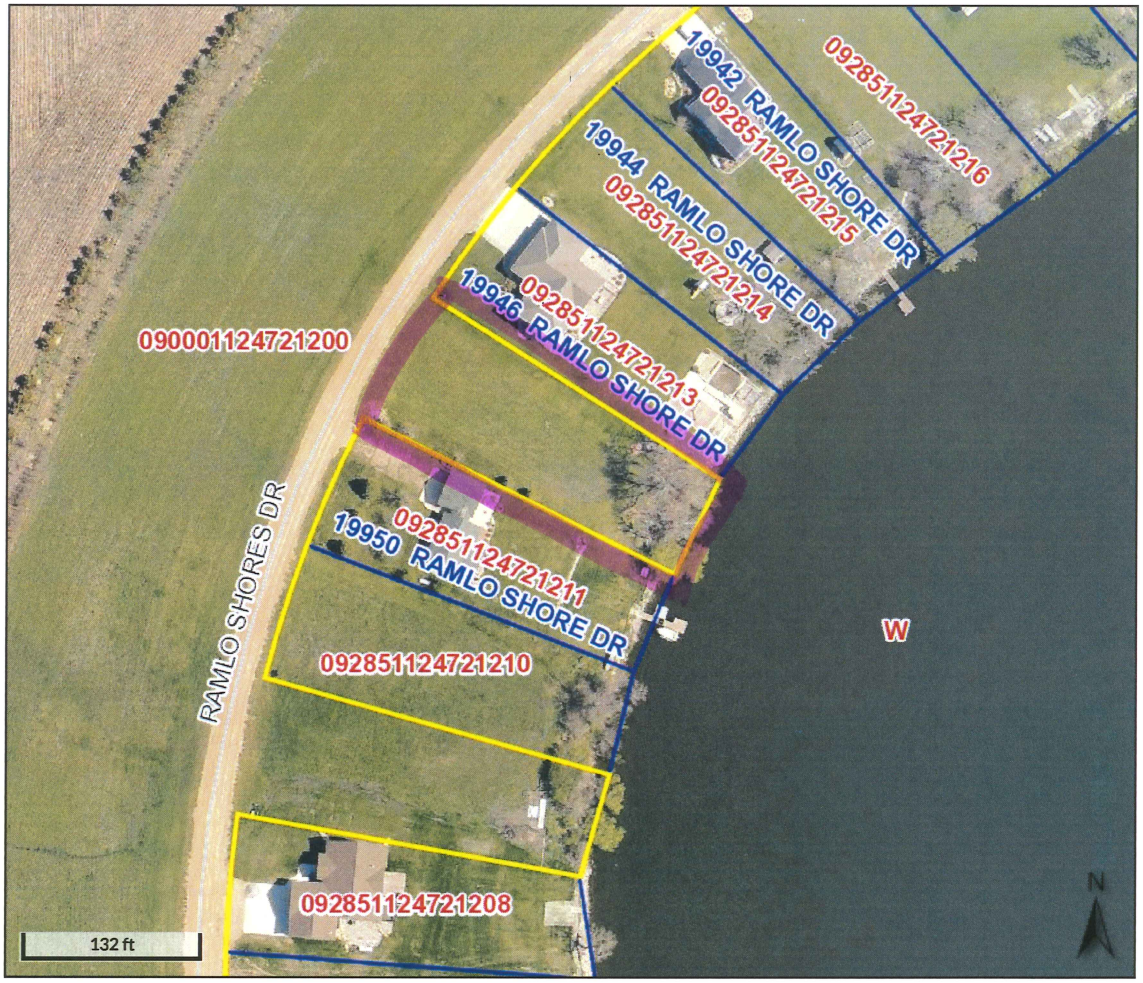


PREPARED BY:
BANNER ASSOCIATES, INC.
409 22nd AVE. S.
BROOKINGS, SD 57006
(605) 692-6342
JULY 2020

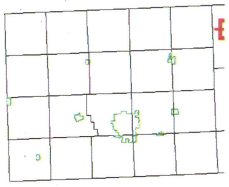
Lot 12 -Ramlo Shores Subdivision

2020 plat 017

Beacon™ Brookings County, SD



Overview



Legend

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

Parcel ID	090001124721200	**Alternate ID**	n/a	**Owner Address**	RAMLO FAMILY REVOCABLE LIVING TRUST 48635 197TH ST HENDRICKS MN 56136
Sec/Twp/Rng	21-112-47	**Class**	AGA		
Property Address		**Acreage**	133.65		

District 091025

Brief Tax Description GOVT LOTS 3-4, E 1/2 NW 1/4 EXC RAMLO SHORE SUBDIV SEC 21-112-47 133.65 ACRES

(Note: Not to be used on legal documents)

Date created: 7/20/2020
Last Data Uploaded: 7/20/2020 8:06:24 AM

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BROOKINGS COUNTY DEVELOPMENT
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Brookings, SD 57006
(605) 696-8350
E-Mail: zoning@brookingscountysd.gov

Brookings County Board of Adjustment
July 7, 2020 – 8:00 PM meeting

2020var008 – July 7, 2020

Tabled to August 4, 2020

Update.

July 24, 2020

1) The applicant informed the Development Office that they have purchased the property and are now the owners of the property.
2) Brookings County does not require platting of property, for a legal description of property. The original 1 acre school site was never platted and was described by a footage description. When the original 1 acre school site was sold back to the adjoining land owner, the 1 acre was added back into the original 160 acres of land. The school site is considered a historical marker that a school was once located there. When the 5.66 acres was split off from the 160 acres in 2002, the original 1 acre was located within the 5.66 acres. The 5.66 acres is legally described by a footage description that is accepted by the Brookings County Register of Deeds and has been used in the transfer of property when it has been sold.
3) The applicant advised the Development Office that they have met with the adjoining land owner's and they have reach an agreement for variance request.

Prepared by Richard Haugen

2020var008
Staff Report
July 7, 2020
Updated July 24, 2020

Applicant: Amanda Blok, 5025 18th St, Brookings, SD 57006
Land Owner: First Bank and Trust, PO Box 5057, Brookings, SD 57006

Legal Description: "S480' of W474 of SW1/4 of Section 2, T110N, R49W (Aurora Township)" ~~ *located at 47606 209th St, Aurora, SD 57002.*

Article 11.00: Section 11.01 "A" Agricultural District: Area Regulations # 1: Lot Size.

2020var008: Amanda Blok, has a purchase agreement with the landowner subject to the approval of the variance request. The applicant has applied for a variance to build 21 feet outside the permitted buildable area of an historical school site. The site was the original Fountain School built in 1879, 1 square acre site (209' x 209'), located in the south west corner of Section 2 of Aurora Township. The Brookings County Planning Commission confirmed it was an original 1 acre square school site and a permitted use for a single family residence at their November 7, 2017 meeting. The original school 1 acre parcel was sold in 1920 to the adjoining landowner who owned the rest of the southwest quarter. The land was sold several times over the years, hog confinement barns, grain storage and farm buildings were built in the southwest corner. 5.66 acres was split off in 2002 to include the historical school site, hog barns, grain bins and farm buildings. The hog barns were removed from the property and the lot was used for feeding cattle and grain storage.

Some things to consider:

1) The 21' variance would allow the expansion of the minimum lot area that was granted by the board on November 7, 2017 for the original size of the lot.
2) The proposed variance the residence will to exceed the setback requirements of 133 feet on the township road (476th Ave) and 150 feet in the county road (209th St).
3) What is the best use of the remaining 4.66 acres of land; 1) a residence or ag use (grain storage, livestock production).

Public notices were published in the Brookings Register on June 23 and 30, 2020 and the White Tri-City Star on June 25 and July 2, 2020.

Letters were sent to the adjoining landowner's, Aurora Township Chairman and Clerk, Brookings County Highway Department.

RECEIVED

JUN - 9 2020

BROOKINGS
COUNTY DEVELOPMENT

APPLICATION FOR VARIANCE
TO
ZONING REGULATIONS

Date of Application: JUNE 9. 2020 Variance Number: 2020VAR008

To: Brookings County Board of Adjustment
520 3rd 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:

A GREATER DISTANCE FROM THE COUNTY ROAD AND THE TOWNSHIP ROAD FOR THE OPPORTUNITY TO CREATE MORE LANDSCAPING AND THEREFOR ALLOW A LARGER BUILDING SPACE.

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

BUILDING AREA
Article 11.00:
Section 11.01 "A" Ag District: Area Regulation #1: Lot Size.

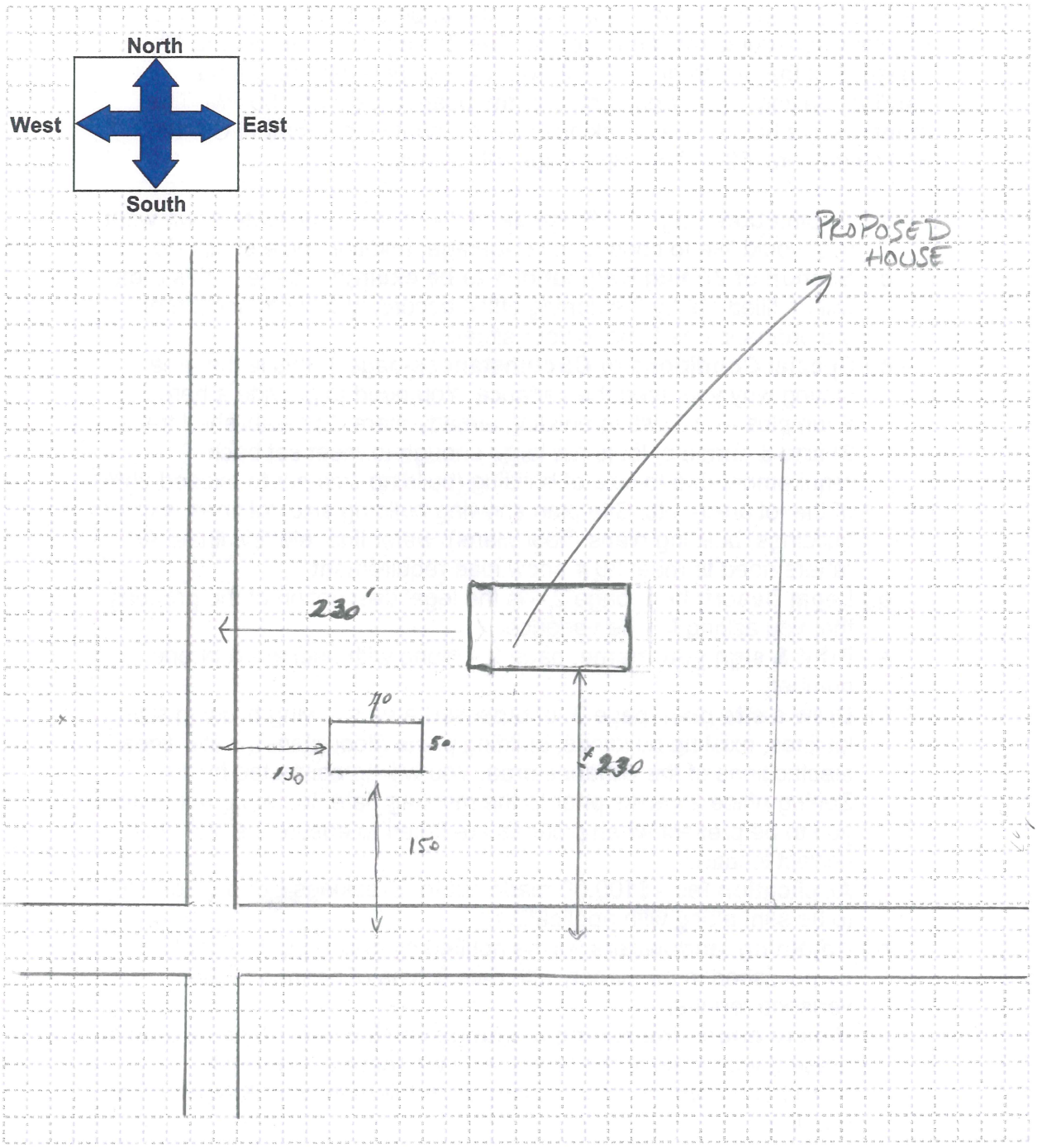
C.) Special conditions and circumstances that exist which are peculiar to the land, structure, or buildings in the same district: that literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms 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 CURRENT BUILDABLE LOT IS CLOSE TO THE ROAD, WOULD LIKE TO BUILD FARTHER FROM THE ROAD

2020 VAR 008

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.



none. Chair Robbins clarified that the area would be going from Agricultural to Commercial/Industrial for a permitted use and called for a roll-call vote: Davis-aye, Nelson-aye, Kleinjan-aye, Erickson-aye, Spence-aye, Jensen-aye, Rochel-aye, Pierce-aye, Robbins-aye. 9-ayes, 0-nays, motion carried. Haugen noted this would move on to the County Commission with a recommendation for final approval.

Chair Robbins read **agenda item # 8: Selection of 1 board member for the Joint Jurisdiction Ordinance Review Committee.** Chair Robbins asked Mr. Hill for his comments. Mr. Hill made the recommendation that Darrell Nelson be appointed to the committee. Chair Robbins appointed Mr. Nelson to the committee. Darrell Nelson accepted.

Chair Robbins read **agenda item # 9: Discussion on 2005cu019 conditional use.** Chair Robbins asked Mr. Hill for his input. Mr. Hill stated, "It was listed on the agenda that had been posted online strictly as 2005cu019 Conditional Use, we did not add anything else to it. Commissioner/County Commissioner Pierce brought it to our attention that she thinks it was not noticed properly and she would like to see it postponed until the next meeting. I would entertain a motion to table it as I presume that would be the proper thing to do, since we did notice that we would be discussing it. If a planning board member so moves to table it until next time we would be more than happy to redo it and put the proper terminology on the agenda." Board member Pierce noted the reason for the request was because the agenda did not say what the conditional use request was related to and citizens had contacted her asking if the item was on the agenda and she had told them it was not. Mr. Hill noted the item had been posted on the online agenda and that a report was ready but the report would be held until next meeting if the item was tabled. Lee Ann Pierce moved to table until the December 5th, 2017 meeting. Robert Rochel second. Chair Robbins called for a voice vote. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item # 10: Discussion on old school site in SW1/4 of Section 2, T110N, R49W (Aurora Township).** Mr. Haugen stated, "This is regarding an old school site where at one time the Fountain School and a hog confinement unit had been located. The current owner was in this spring inquiring if this was a buildable site. Mr. Hill and I had discussed this and we always went with the last location of where the actual school building/site had been, so we had told them no it was not a buildable site for a residence. The owner hired an attorney that did further research and found in 1879 in this quarter there was a dwelling house, school house and a blacksmith shop. The location was deeded to the school in 1880, a dot noting the school location showed up on 1909 homestead map. A deed dated 1920 deeded from Fountain School to Mr. J.H. Lievan a 1 (one) square acre parcel in the south west corner. Also in 1920 Mr. J.H. Lievan deeded 3 (three) acres in the SE1/4 section 3 the current and last known location of the Fountain School (this location being across the road from the 1 (one) acre site in question). I am asking for your interpretation if this is a buildable site." Mr. Haugen presented deeds referencing the area in question that were filed/dated February 11, 1879, August 3, 1880, and January 19, 1921. The board discussed and decided where there was proof of a deed of record of a school that it be a buildable

site. Site would be a 1 acre by 1 acre site/lot in the south west corner of the SW 1/4, SW1/4 of Section 2, T110N, R49W.

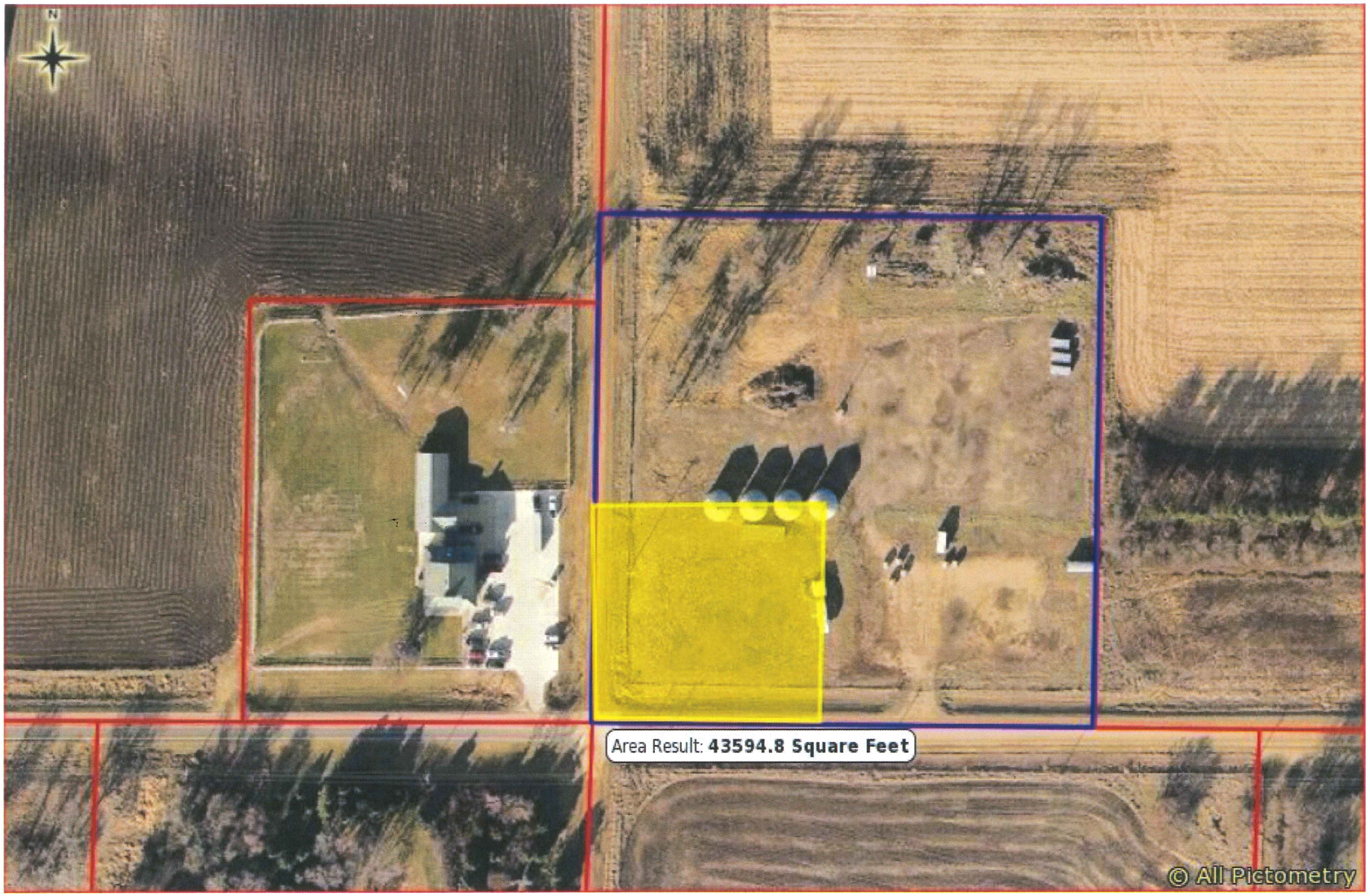
Chair Robbins read **agenda item # 11: Discussion on a used manufactured home as a secondary residence.** Mr. Haugen noted: 1) an applicant had been in the office inquiring about applying for a conditional use for a manufactured home for a family member and the office advised the applicant of the application process. 2) A few days later a transfer notice was received and the applicant came into the office to get a building permit. 3) The office found out manufactured home had been moved onto the site and was a 1973 Liberty Manufactured Home. 4) Current Zoning Ordinance states that anything manufactured before June, 15, 1976 is not allowed in the county. 4) Research was done and wiring for the HUD regulations was the biggest factor found. Board discussed and Chair Robbins summarized by stating, "The board is willing to hear the request for the conditional use and put the stipulations on if there is concerns through the finding of facts on the requirements of the building for safety." Chair Robbins then directed the staff to proceed under the conditions stated.

Chair Robbins read **agenda item # 12: Discussion on Valero Renewables land application of corn and corn processing by products.** Mr. Haugen stated, "Valero had a question regarding disposal, when they clean out their bins or have a load of distillers grain that doesn't meet the new USDA standards and cannot be sold or fed, they need a way to dispose of it. They would like to be able to spread the product onto the land that they own. The product is not hazardous, it is safe and it is biodegradable, it just does not meet standards." The board discussed and consensus was to allow Valero Renewables to proceed with disposing of the non-hazardous material on their own land.

Chair Robbins read **agenda item # 13: Consideration of Plats: a. 2017plat012: "Plat of Lots 7A and 8A Reaves Subdivision of Govt. Lot 4, Section 5, T112N, R52W of the 5th P.M., Brookings County, South Dakota."** Darrell Nelson moved to approve the plat. Randy Jensen second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Wayne Noem owner of Lots 6 & 7 and Wade Jensen owner of Lot 8 have re-platted their lots for a property line adjustment. They are taking the jog out of the property line between them and making it straight. This allows the Jensen's on Lot 8 to have a wider drive to access their property. The lots were originally platted and recorded on December 30, 1970." Mr. Haugen then used visuals to further describe the plat. Chair Robbins opened up for discussion from the board. Board discussed the current location of buildings, plat adjustment to the current property line and location of a current building being located to close to property lines and the lot being a non-conforming. Chair Robbins then opened up for discussion for the audience, hearing none he asked the board for further questions or comments, hearing none he called for a roll call vote: Nelson-nay, Kleinjan-aye, Erickson-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Davis-aye, Robbins-aye. 8-ayes, 1-nay, motion carried.

Chair Robbins read **agenda item b: 2017plat013: "Plat of South Dakota Soybean Processor's Tracts of 3A & 3B in the NW1/4 of Section 24, T110N, R51W of the 5th P.M., Brookings County, South Dakota."** Lee Ann Pierce

1 acre buildable - former school site

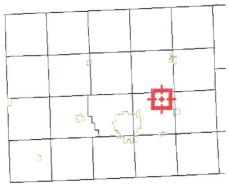


11/24/2019

2020 VAR008

Beacon™ Brookings County, SD

Overview



Legend

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

Zoning Districts

- Commercial/Indus
- Lake/Park District
- Natural Resource District
- Parcels
- Roads

Parcel ID	049801104902300	**Alternate ID**	n/a	**Owner Address**	FIRST BANK & TRUST
Sec/Twp/Rng	2-110-49	**Class**	NAC		PO BOX 5057
Property Address	47606 209TH ST	**Acreage**	n/a		BROOKINGS SD 57006
	AURORA				
District	0401				
Brief Tax Description	S 480' OF W 474' OF SW1/4 SW1/4 2-110-49 5.22 ACRES				
	(Note: Not to be used on legal documents)				

Date created: 6/8/2020
Last Data Uploaded: 6/8/2020 8:09:01 AM

Developed by Schneider GEOSPATIAL

2020var008: Amanda Blok

Lookings northeast from intersection of 476th Ave and 209th St. (Brkgs Cnty # 46)

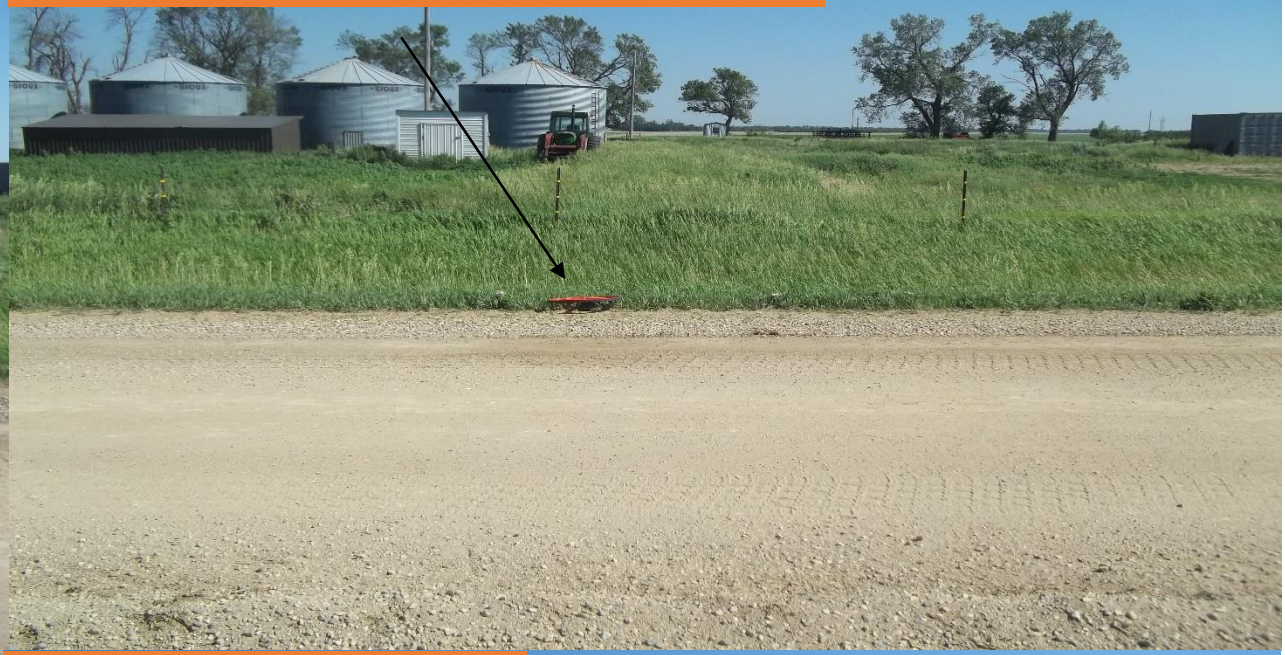
Looking north along 476th Ave from intersection of 209th St. (Brkgs Cnty # 46)

Looking east along 209th St. (Brkgs Cnty # 46) from intersection of 476th Ave.

Looking north towards bin site from 209th St. (Brkgs Cnty # 46)

Wheel at 209’ from center of 476th Ave. East boundary line for 1 acre.

Wheel at 230’ from center of 476th Ave.



Looking north from driveway on 209th St. (Brkgs Cnty # 46).

Looking north east from driveway on 209th St. (Brkgs Cnty # 46).

Wheel at 209’ from center of 209th St (Brkgs Cnty gravel road # 46). North boundary line for 1 acre.

Wheel at 230’ from center of 209th St. (Brkgs Cnty gravel road # 46)

Looking northeast from north of grain bins.

Looking east at north property line.

BROOKINGS COUNTY DEVELOPMENT
Planning, Zoning and Drainage / Emergency Management
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520 3rd Street, Suite 200
BROOKINGS, SOUTH DAKOTA 57006
(605)-696-8350
E-Mail: zoning@brookingscountysd.gov

Brookings County Board of Adjustment
August 4, 2020– 8:00 PM meeting

2020var010-August 4, 2020

Prepared by Richard Haugen

Applicant/Owner: Daniel Schaal, 1816 Olwien St, Brookings, SD 57006
Site: 218 S Lake Dr, Arlington, SD 57212

Legal Description: "Lots 21-22 Exc W 2' Marvin Wade Subdivision in the NE1/4 of Section 6, T112N, R52W (Laketon Township)" ~~ located at 218 S Lake Dr, Arlington, SD 57212.

Brookings County Zoning Ordinance: Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.03. Density, Area and Yard Regulation (Minimum Lake Front and Minimum Side Yard). The Lake Park – Lake Front setbacks are 75 feet from the high known watermark.

2020var010: Daniel Schaal has applied for a variance to build deck 2 feet from the side property line and 22 feet from the highest known water mark. A variance of 6 feet for the side set back and a variance of 53 feet from the highest known water mark. The side setback is 8 feet from the property line and lake side setback is 75 feet from the highest known watermark. The existing deck/walkway is 5' wide x 23' long along the lakeside of the house. The existing deck/walkway will be removed. The proposed deck will be all on one level and wheel chair accessible, it will run along the side of the garage to the back of the house (lakeside), where it will connect to the house. The deck will be 14' wide x 37' long which includes a 6' x 15' walkway along the side of the garage. The property is in the floodplain. The applicant has added fill and raised up the back yard where the deck will be located.

Things to consider: 1) Marvin Wade Subdivision was platted on May 24th, 1949;

2) Shape and size of lot.

The "Brookings County Comprehensive - Plan Future Land Use-Developed Lakes Future Land Use" found on page 58 –*In paragraph two: "It is likely that the established developed areas of Lake Campbell, Lake Hendricks, Lake Tetonkaha, and Lake Poinsett will experience continued development in varying degrees. While non-lake front growth potential exists for all*

of the able lakes; significant lake front area is appropriately zoned, and subdivided in some cases, adjacent to Lake Tetonkaha, Lake Hendricks, and Lake Campbell."

Letters were sent to the adjoining landowners, Laketon Township Chairman and Clerk and Brookings County Highway Department.

Public notices were published in the Brookings Register on July 21 and 28, 2020 and Arlington Sun on July 23 and 30, 2020.

RECEIVED

JUL 1 4 2020

BROOKINGS
COUNTY DEVELOPMENT

APPLICATION FOR VARIANCE
TO
ZONING REGULATIONS

Date of Application: July 14, 2020 Variance Number: 2020VAR010

To: Brookings County Board of Adjustment
520 3rd 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:

remove an existing wooden deck and replace it with a larger wooden deck at the same elevation, about 10-12 inches above the ground.

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

Article IV District Reg.: Chapter 4.03 "LP" Lake-Park District: Section 4.03.03. Density, Area and Yard Regulation. (Minimum Lake Front and Minimum Side Yard)

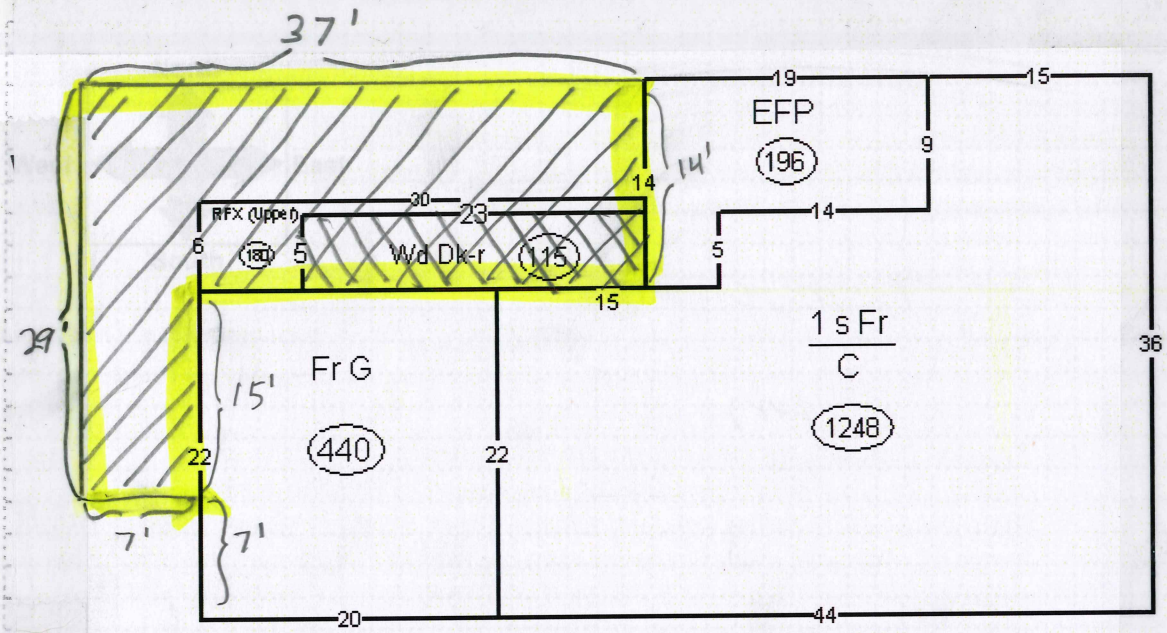
C.) Special conditions and circumstances that exist which are peculiar to the land, structure, or buildings in the same district: that literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms 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.

The size of the lot makes it impossible to place a deck the required distance from the water. The piece of deck on the west side of the garage is to make the house handicap accessable. Please see extra page, Exhibit A

2020 var 010

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.



current deck to be removed

new deck, same elevation as current deck, approx 10-12 inches above the ground.

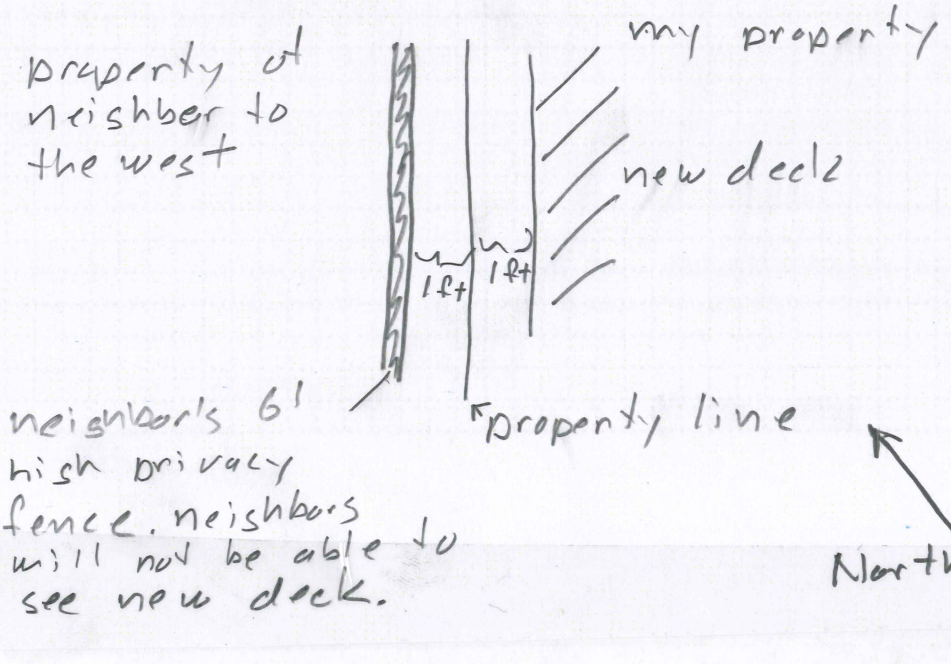


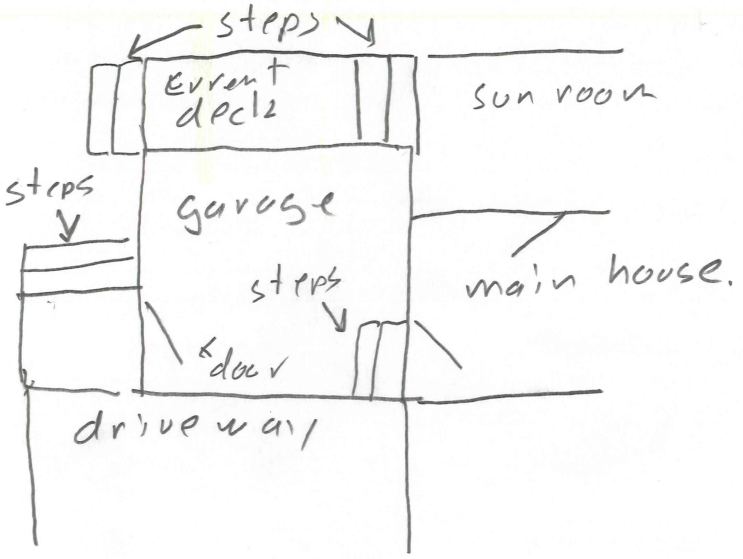
Exhibit A

2020 Var 010

Handicap Accessable Feature of New Deck

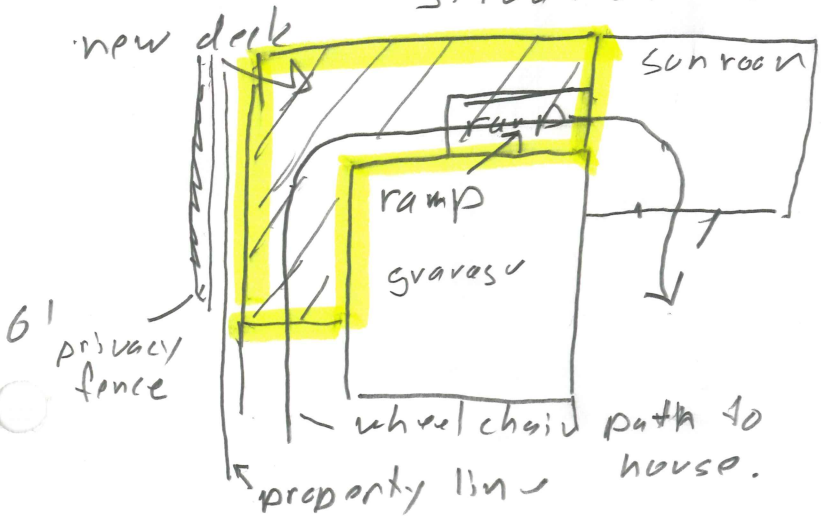
The driveway, garage, and current deck are all at the same elevation. The house is 2 ft higher. There are 2 doors into the house, one from the garage and one from the "sunroom" (EFP in picture) on the lake side. Currently both ways to enter the house involve steps. It is not possible to add a ramp in the garage.

Current Situation

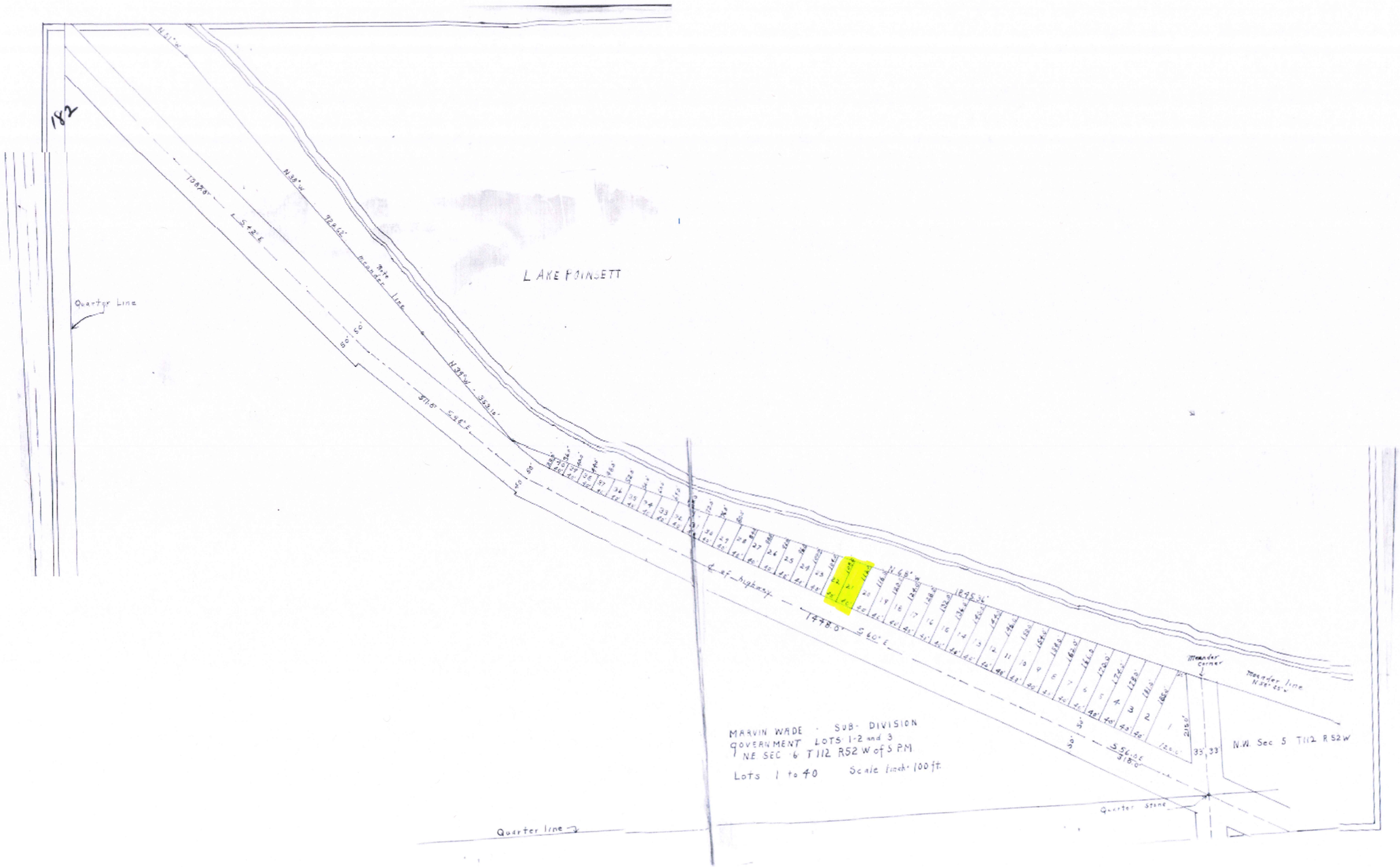


The new deck will allow wheelchair access into the house by a ramp on the north (lake side) portion of the deck.

Situation with new deck



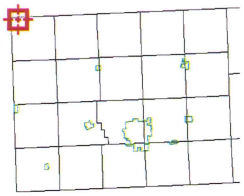
The portion of the deck on the west that is near the neighbor's privacy fence is needed to allow a wheelchair to get to the north part of the deck and the ramp into the sun room.


182
LAKE POINSETT
Quarter Line
N 51° W
N 38° W
N 39° W
S 42° E
S 48° E
S 60° E
S 56.0° E
Meander Corner
Meander line
N.W. Sec 5 T112 R52W
Quarter Stone
Quarter line
MARVIN WADE · SUB-DIVISION
GOVERNMENT LOTS 1-2 and 3
NE SEC 6 T112 R52 W of 5 PM
Lots 1 to 40
Scale 1 inch = 100 ft.

2020 var 010

Beacon™ Brookings County, SD

Overview



Legend

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

Parcel ID	112251125206142	**Alternate ID**	n/a	**Owner Address**	SCHAAL, DANIEL J ET UX
Sec/Twp/Rng	6-112-52	**Class**	NAC		1816 OLWIEN ST
Property Address	218 S LAKE DR	**Acreage**	n/a		BROOKINGS SD 57006
	ARLINGTON				

District 110919

Brief Tax Description MARVIN WADE SUBDIVISION LOTS 21-22 EXC W 2' IN NE 1/4 SEC 6-112-52 78'X 108'
(Note: Not to be used on legal documents)

Date created: 7/8/2020
Last Data Uploaded: 7/8/2020 8:06:20 AM

Developed by Schneider GEOSPATIAL

2020var010: Daniel Schaal

Looking north towards lake. Proposed deck location.

Looking north towards the lake. Wheel at 2' from side property line.

Looking east towards existing deck/walkway.

Looking east. Wheel at northwest corner of proposed deck, 14' from house.

Looking east along shoreline.

Looking west along shore. Wheel at 14’ from house.

View from dock, towards the proposed deck. Wheel at 14’ from house.

RECEIVED

JUL 1 4 2020

BROOKINGS
COUNTY DEVELOPMENT

APPLICATION FOR VARIANCE
TO
ZONING REGULATIONS

Date of Application: July 14, 2020 Variance Number: 2020VAR010

To: Brookings County Board of Adjustment
520 3rd 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:

remove an existing wooden deck and replace it with a larger wooden deck at the same elevation, about 10-12 inches above the ground.

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

Article IV District Reg.: Chapter 4.03 "LP" Lake-Park District: Section 4.03.03. Density, Area and Yard Regulation. (Minimum Lake Front and Minimum 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.

The size of the lot makes it impossible to place a deck the required distance from the water. The piece of deck on the west side of the garage is to make the house handicap accessable. Please see extra page, Exhibit A

D.) Legal Description of Property:

Lots 21-22 Exc W 2' Marvin Wade Subdivision in NE1/4 Sec. 6, T112N. R52W (

site addr: 218 S Lake Dr. Arlington SD 57212.
Parcel #1122511252061 42

E.) Time and Date Set for Hearing before Brookings County Board of Adjustment.

Aug. 4. 2020
Date

8:00 PM
Time

Approved

Rejected

Date

Chairman of Brookings County Board of Adjustment

Daniel Schaal
Person filing petition – print

Daniel Schaal
Person filing petition – sign

1816 Olivion St.
Address

Brookings
City

SD
State

57006
Zip Code

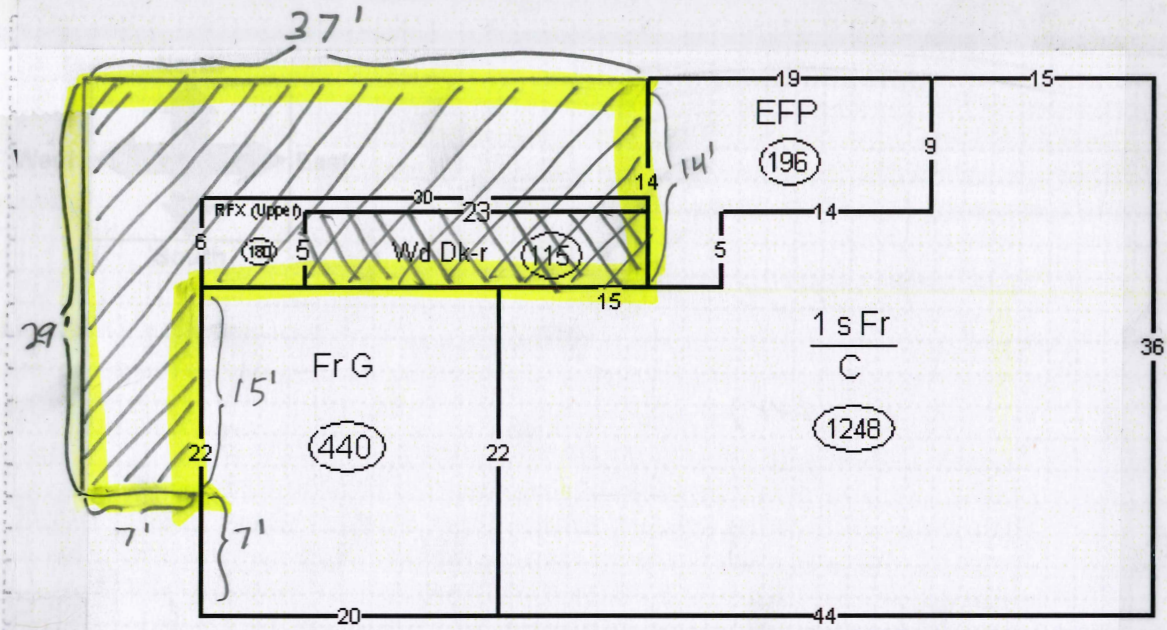
605-651-1339
Telephone

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

2020var010

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.



current deck to be removed

new deck, same elevation as current deck, approx 10-12 inches above the ground.

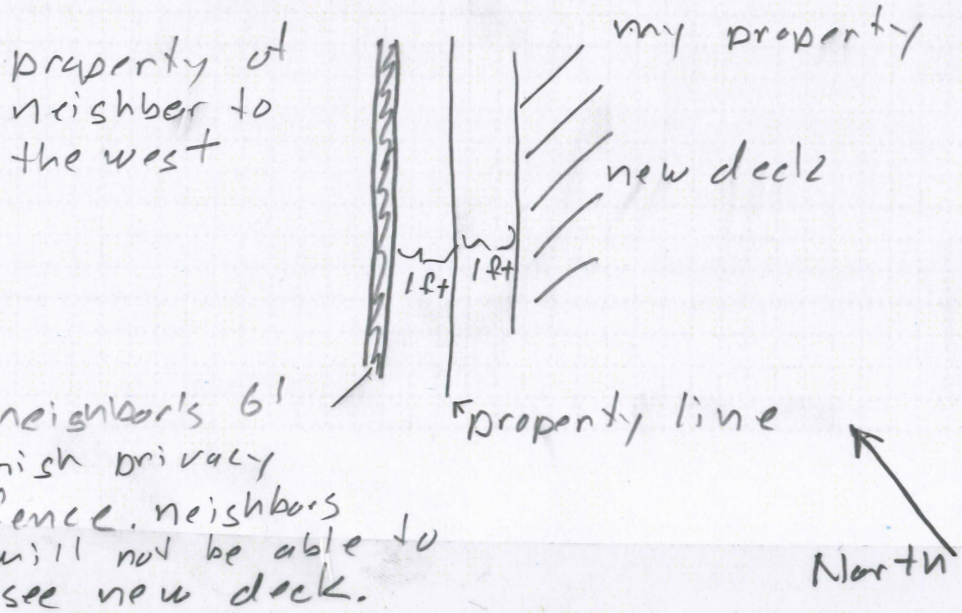


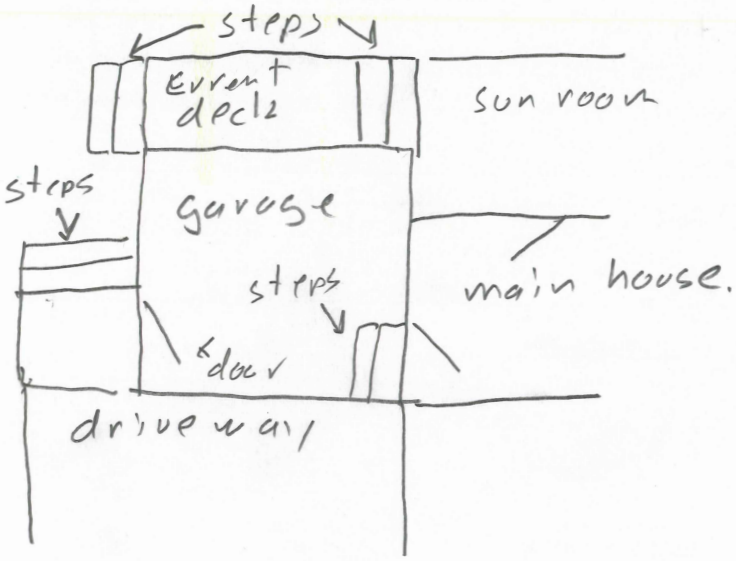
Exhibit A

2020 Var 010

Handicap Accessable Feature of New Deck

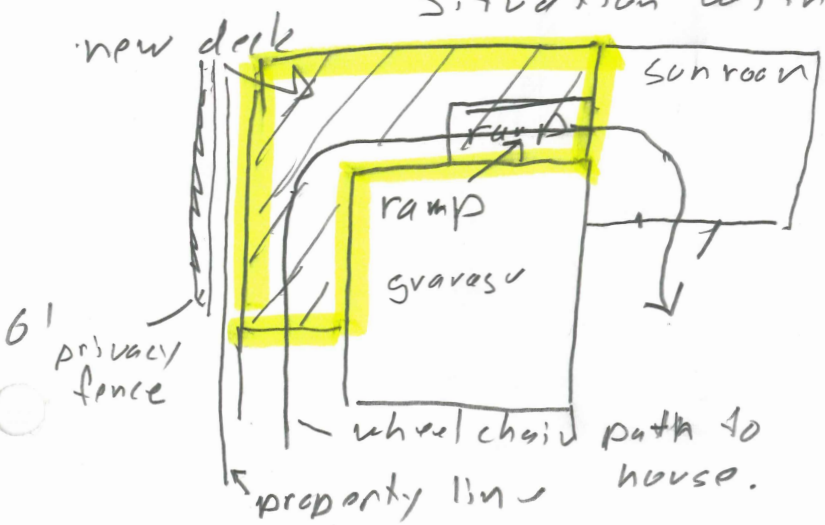
The driveway, garage, and current deck are all at the same elevation. The house is 2 ft higher. There are 2 doors into the house, one from the garage and one from the "sunroom" (EFR in picture) on the lake side. Currently both ways to enter the house involve steps. It is not possible to add a ramp in the garage.

Current Situation



The new deck will allow wheelchair access into the house by a ramp on the north (lake side) portion of the deck.

Situation with new deck



The portion of the deck on the west that is near the neighbor's privacy fence is needed to allow a wheelchair to get to the north part of the deck and the ramp into the sunroom.

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: zoning@brookingscountysd.gov

FILED JUL 22 2020

July 22, 2020 – 11:03 AM

Annette Gering, 216 S Lake Dr., Arlington, SD, called the Zoning office to say she has no objections to the variance request (2020var010) as it will not obstruct their view of the lake.

Richard Haugen
Brookings County Development

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

Brookings County Board of Adjustment
August 4, 2020 – 8:00 PM meeting

2020var009 – August 4, 2020

Prepared by Richard Haugen

Applicant/Owner: Ray Konz, 909 S. Parkview Blvd, Brandon, SD 57005
Site Address: 720 S Lake Hendricks Drive, Hendricks, MN 56136

Legal Description: "Lot 7 Point Clara Addition in SW ¼ of Section 22, T112N, R47W (Lake Hendricks Township)".

Brookings County Zoning Ordinance: Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.03. Density, Area and Yard Regulation (Side yard).

2020var009: Ray Konz, has applied for a variance to move in a used 24' x 36' garage with a 9 ' sidewall, 6 feet from the side property line, a variance of 2 foot. The required setback is 8 feet from the side property line. The proposed garage will be attached to the southeast corner of his house. The applicant's septic system is located in the front of his house, preventing him from moving the garage farther to the west to meet the 8 feet setback requirement. The applicant has also applied for a conditional use 2020cu016 to move in a used building.

Things to consider are the location of septic system and other utilities. Point Clara Addition was platted on April 2, 1975.

The "Brookings County Comprehensive - Plan Future Land Use-Developed Lakes Future Land Use" found on page 58 –*In paragraph two: "It is likely that the established developed areas of Lake Campbell, Lake Hendricks, Lake Tetonkaha, and Lake Poinsett will experience continued development in varying degrees. While non-lake front growth potential exists for all of the able lakes; significant lake front area is appropriately zoned, and subdivided in some cases, adjacent to Lake Tetonkaha, Lake Hendricks, and Lake Campbell."*

Letters were sent to the adjoining landowners and Lake Hendricks Township Chairman and Clerk.

The public notices were published in the Brookings Register on July 21 and 28, 2020 and Hendricks Pioneer on July 22 and 29, 2020.

RECEIVED

JUL 7 2020

BROOKINGS
COUNTY DEVELOPMENT

APPLICATION FOR VARIANCE TO ZONING REGULATIONS

Date of Application: July 7, 2020

Variance Number: 2020var009

To: Brookings County Board of Adjustment
520 3rd 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:

Moving a 24'x36' Frame Car Garage from Dave Axelson's lot located at 719 S. Lake Hendricks Dr. to my lot located at 720 S. Lake Hendricks Dr.

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

Article IV District Requirements; Chapter 4.03 "LP" Lake-Park District; Section 4.03.03 Density, Area and Yard Regulation (minimum 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.

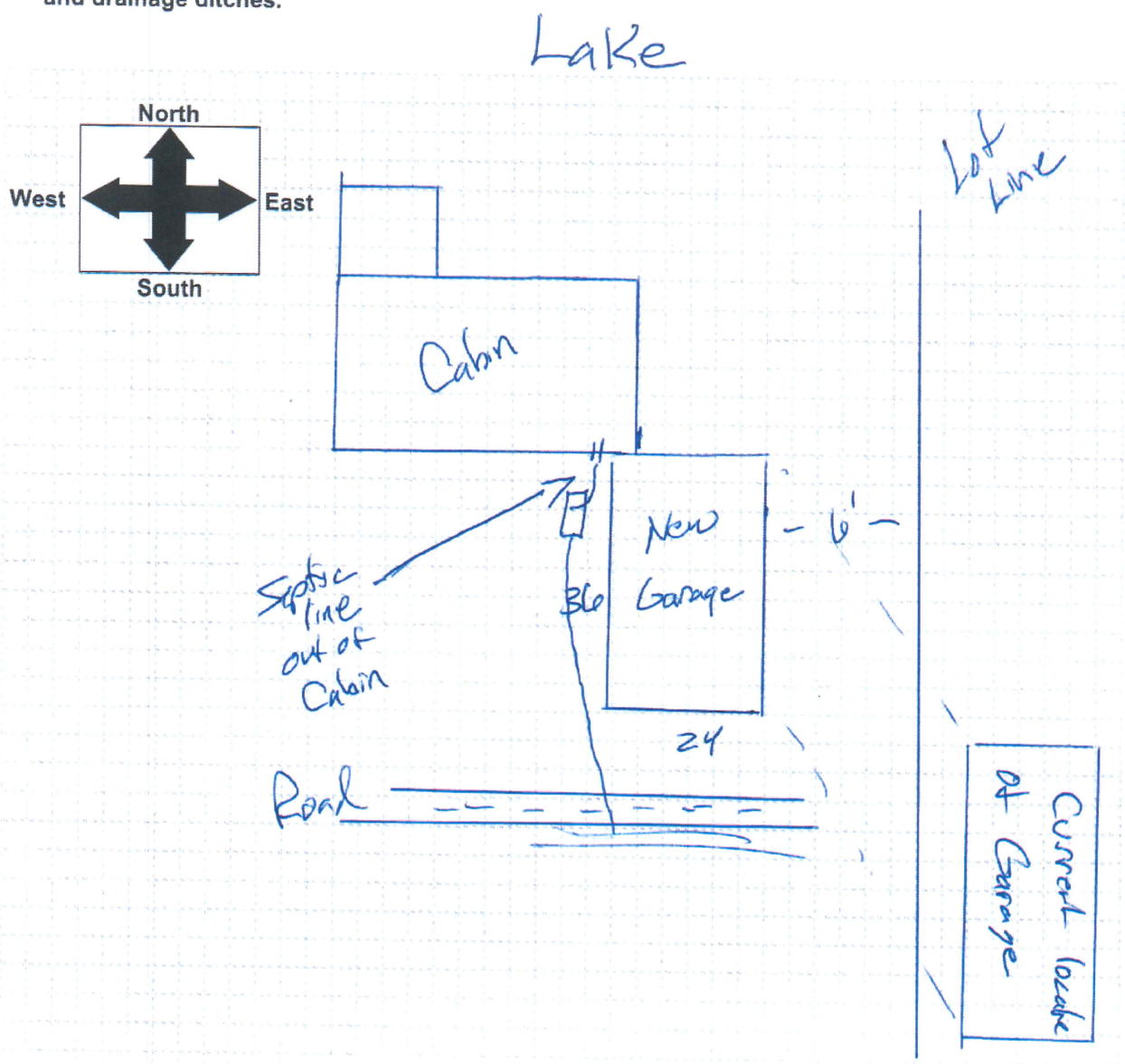
Because of the location of our cabin I am requesting a ~~one~~ two rdm foot variance on the east side of my lot. This would allow me to move the garage currently located on my neighbours lot without having to move our septic system line. I have visited with David & Lisa Axelson & they have no problem with the variance.
Even with the ~~one~~ two rdm foot variance, the foundation of the garage will be within ~~one~~ two rdm foot of the underground septic line coming out of the cabin. I really have no other place to put a garage. I am also applying for a conditional use & building permit.

Thank you for your consideration.
D...

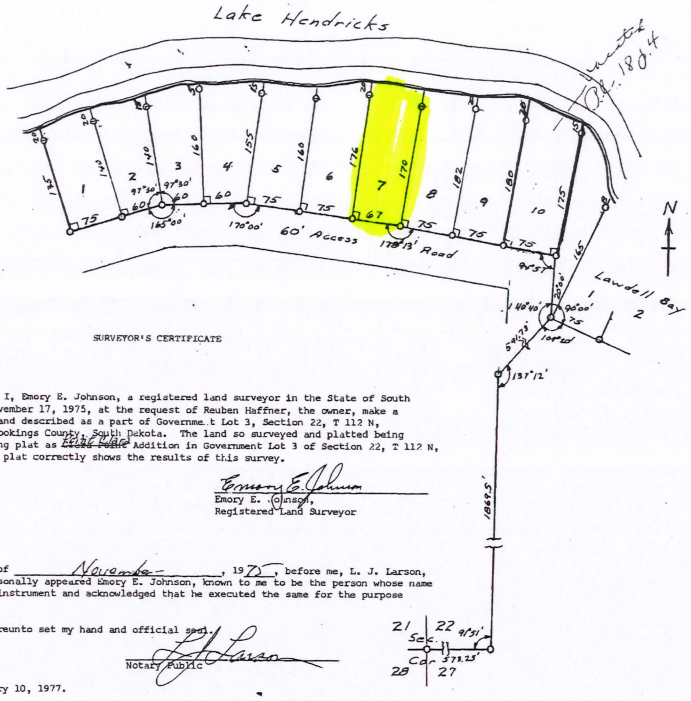
2020CU016 + 2020VAR009

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.



~~Clara Point~~ Point Clara Addition
Government Lot 3 of Section 22
T 112 N, R 47 W of the 5th P.M.
Brookings County South Dakota
Scale 1" = 100' November 17, 1975



SURVEYOR'S CERTIFICATE

State of South Dakota)ss
County of Brookings)

This is to certify that I, Emory E. Johnson, a registered land surveyor in the State of South Dakota, did on and before November 17, 1975, at the request of Reuben Haffner, the owner, make a survey and plat a tract of land described as a part of Governme t Lot 3, Section 22, T 112 N, R 47 W of the 5th P.M. in Brookings County, South Dakota. The land so surveyed and platted being that shown on the accompanying plat as ~~Clara Point~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. This plat correctly shows the results of this survey.

Emory E. Johnson
Emory E. Johnson,
Registered Land Surveyor

State of South Dakota)ss
County of Brookings)

On this the 19th day of November, 1975, before me, L. J. Larson, the undersigned officer, personally appeared Emory E. Johnson, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.

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

L. J. Larson
Notary Public

My commission expires February 10, 1977.

OWNER'S CERTIFICATE

State of South Dakota)ss
County of Brookings)

This is to certify that we, Reuben L. Haffner and Rose A. Haffner, are the owners of a tract of land described as Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. in Brookings County, South Dakota and referred to in the accompanying Surveyor's Certificate, and that it is free of any encumbrance. We further certify that we requested Emory E. Johnson, a registered land surveyor, to survey and plat a part of this land and we hereby approve this survey and plat.

The portion so platted shall hereafter be designated as ~~Clara Point~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. as is shown on this plat.

Reuben L. Haffner
Rose A. Haffner
Owners

State of South Dakota)ss
County of Brookings)

On this 25th day of November, 1975, before me, Arthur Graslie, the undersigned officer, personally appeared Reuben L. Haffner and Rose A. Haffner, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purpose therein contained.

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

Arthur Graslie
Notary Public

My commission expires Sept 27, 1981.

RESOLUTION BY BOARD OF COUNTY COMMISSIONERS

It was moved by Arthur Thielen, and seconded by Irene Wesson, and motion carried, that the plat as shown hereon and as described on the accompanying plat and certificate of ~~Clara Point~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. be approved and accepted and the County Auditor is hereby instructed to endorse on such plat a copy of this resolution and to certify the same.

I, Verna Schutte, County Auditor of Brookings County, hereby certify that the accompanying plat was approved and accepted by the Board of County Commissioners at its meeting of December 2, 1975.

Verna Schutte
County Auditor

TREASURER'S CERTIFICATE

State of South Dakota)ss
County of Brookings)

I, Kenneth Harvey, Treasurer of Brookings County, South Dakota hereby certify that all the taxes which are liens upon any of the property included in the accompanying plat of ~~Clara Point~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. have been paid according to the records in the Treasurer's Office.

Dated at Brookings, South Dakota this 12 day of Dec, 1975.

Kenneth Harvey
County Treasurer

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Floyd Miller, Director of Equalization, hereby certify that I have received a copy of the accompanying plat of ~~Clara Point~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. according to the laws of the State of South Dakota.

Floyd Miller
Director of Equalization

50018

OFFICE OF REGISTER OF DEEDS

Filed for record this 2nd day of March, 1976, A.D. at 3:30 P M, and recorded in Book of Plats 11 on page 39 therein.

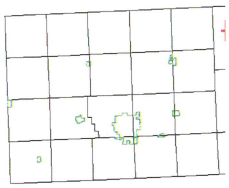
By Anna C. Strand
Register of Deeds

2 of 4 pages
1 of 2 pages
white

2020 cu016 + 2020 var009

Beacon™ Brookings County, SD

Overview



Legend

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

Parcel ID	092751124722360	**Alternate ID**	n/a	**Owner Address**	KONZ, RAYMOND ET AL
Sec/Twp/Rng	22-112-47	**Class**	NAC		909 PARKVIEW BLVD
Property Address	720 S LAKE HENDRICKS DR HENDRICKS	**Acreage**	n/a		BRANDON SD 57005
District	0910A				
Brief Tax Description	POINT CLARA ADDN, LOT 7 IN SW 1/4 OF SEC 22-112-47, 67' X 173' (Note: Not to be used on legal documents)				

Date created: 6/23/2020
Last Data Uploaded: 6/23/2020 8:07:21 AM

Developed by Schneider GEOSPATIAL

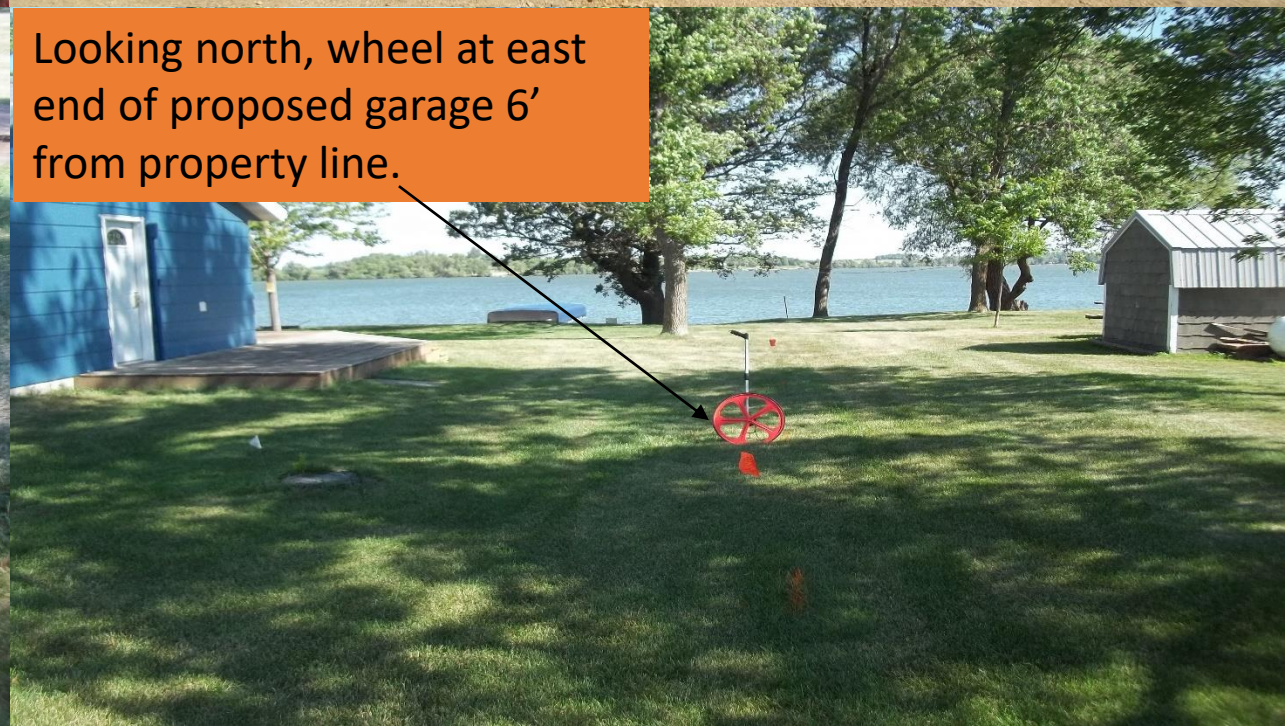
Raymond Konz- 2020cu016 & 2020var009

Used 24’ x 36’ x 9’ garage to be moved to his property. The garage is currently at his adjoining neighbor.

Looking north towards proposed garage location

Wheel at southeast corner of house and west edge of proposed attached garage, 2’ from septic line oin

Looking north, wheel at east end of proposed garage 6’ from property line.



Looking west, wheel at east end of proposed garage.

Looking west, wheel at south end of proposed garage,

Looking north, wheel at 36’ from house and 6’ from property line.

Looking north towards applicant’s house and proposed moved in garage.
FIRE NO
719
FIRE NO
720
720
719

RECEIVED

JUL 7 2020

BROOKINGS
COUNTY DEVELOPMENT

APPLICATION FOR VARIANCE TO ZONING REGULATIONS

Date of Application: July 7, 2020 Variance Number: 2020 var 009

To: Brookings County Board of Adjustment
520 3rd 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:

Moving a 24'x36' Frame Car Garage from Dave Axelsen's lot located at 719 S. Lake Hendricks Dr. to my lot located at 720 S. Lake Hendricks Dr.

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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.

Because of the location of our cabin I am requesting a ~~one~~ two foot variance on the east side of my lot. This would allow me to move the garage currently located on my neighbours lot without having to move our septic system line. I have visited with David & Lisa Axelsen & they have no problem with the variance.
Even with the ~~one~~ two foot variance, the foundation of the garage will be within ~~one~~ two foot of the underground septic line coming out of the cabin. I really have no other place to put a garage. I am also applying for a conditional use & building permit.

Thank you for your Consideration.
[illegible]

D.) Legal Description of Property: Fire # 720 Lake Hendricks Dr.

Point Clear Addn, Lot 7 in S/W 1/4 22-112-47

Brookings County SD

site addr: 720 S Lake Hendricks Dr. Hendricks MN 56136

Parcel # 092751124722360

E.) Time and Date Set for Hearing before Brookings County Board of Adjustment.

Raymond A. Kane
Person filing petition – print

Aug. 4. 2020
Date

Person filing petition – sign

8:00PM
Time

909 S. Parkview Blvd
Address

Approved

Brandon
City

Rejected

SD
State

Date

57005
Zip Code

Chairman of Brookings County Board of Adjustment

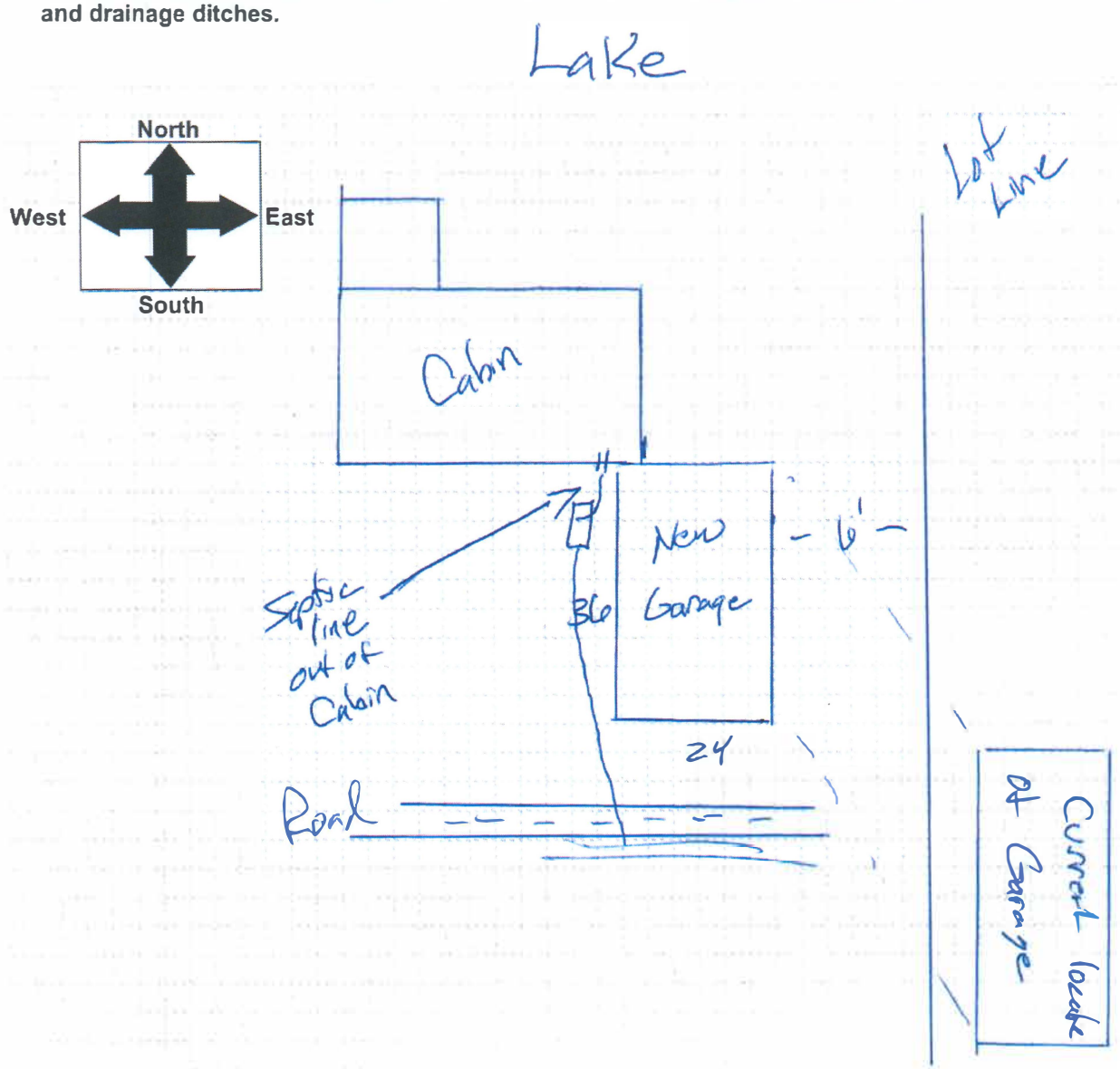
605-201-0659
Telephone

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

2020CU016 + 2020VAR009

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.



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

Brookings County Board of Adjustment
August 4, 2020 – 8:00 PM meeting

2020cu016 – August 4, 2020

Prepared by Richard Haugen

Applicant/Owner: Ray Konz, 909 S. Parkview Blvd, Brandon, SD 57005
Site Address: 720 S Lake Hendricks Drive, Hendricks, MN 56136

Legal Description: "Lot 7 Point Clara Addition in SW ¼ of Section 22, T112N, R47W (Lake Hendricks Township)".

Brookings County Zoning Ordinance-Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.02 Conditional Uses Permit # 6: Accessory buildings with a side-wall greater than fourteen (14) feet or more than 2,000 square feet and used accessory buildings greater than 120 square feet.

2020cu016: Ray Konz has applied for Lake-Park District conditional use to move in a used 24' x 36' garage with a 9' sidewall. The used garage is located at his neighbor's directly to the east of him. He is proposing attaching the garage to the southeast corner of his house. The garage was built in 2011. The applicant is also applying for variance 2020var009 to be closer to the side property line.

Letters were sent to the adjoining landowners and Lake Hendricks Township Chairman and Clerk.

The public notices were published in the Brookings Register on July 21 and 28, 2020 and Hendricks Pioneer on July 22 and 29, 2020.

RECEIVED

JUL 6 2020

BROOKINGS COUNTY DEVELOPMENT

APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application: July 6, 2020 Permit Number: 2020cu016

To: Brookings County Board of Adjustment
520 3rd 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 Conditional Use to the Brookings County Zoning Regulations for the purpose of:

Moving a 24'x36' Frame Car Garage from Dave Axelsen's lot located at (719 S. Lake Hendricks Dr) to my lot, 40 ft away at (720 S. Lake Hendricks Dr.)

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

Article IV District Reg.: Ch 4.03 "LP" Lake-Park District: Section 4.03.02 Cond. Use Permit #6: Acc. Bldg with sidewall greater than 14' or more than 2,000 sq ft & used accessory bldg greater than 720 sq. ft..

C.) Legal Description of Property:

Point Clara Addn. Lot 7 in SW¼

Sec 22-112-47 Brookings County SD

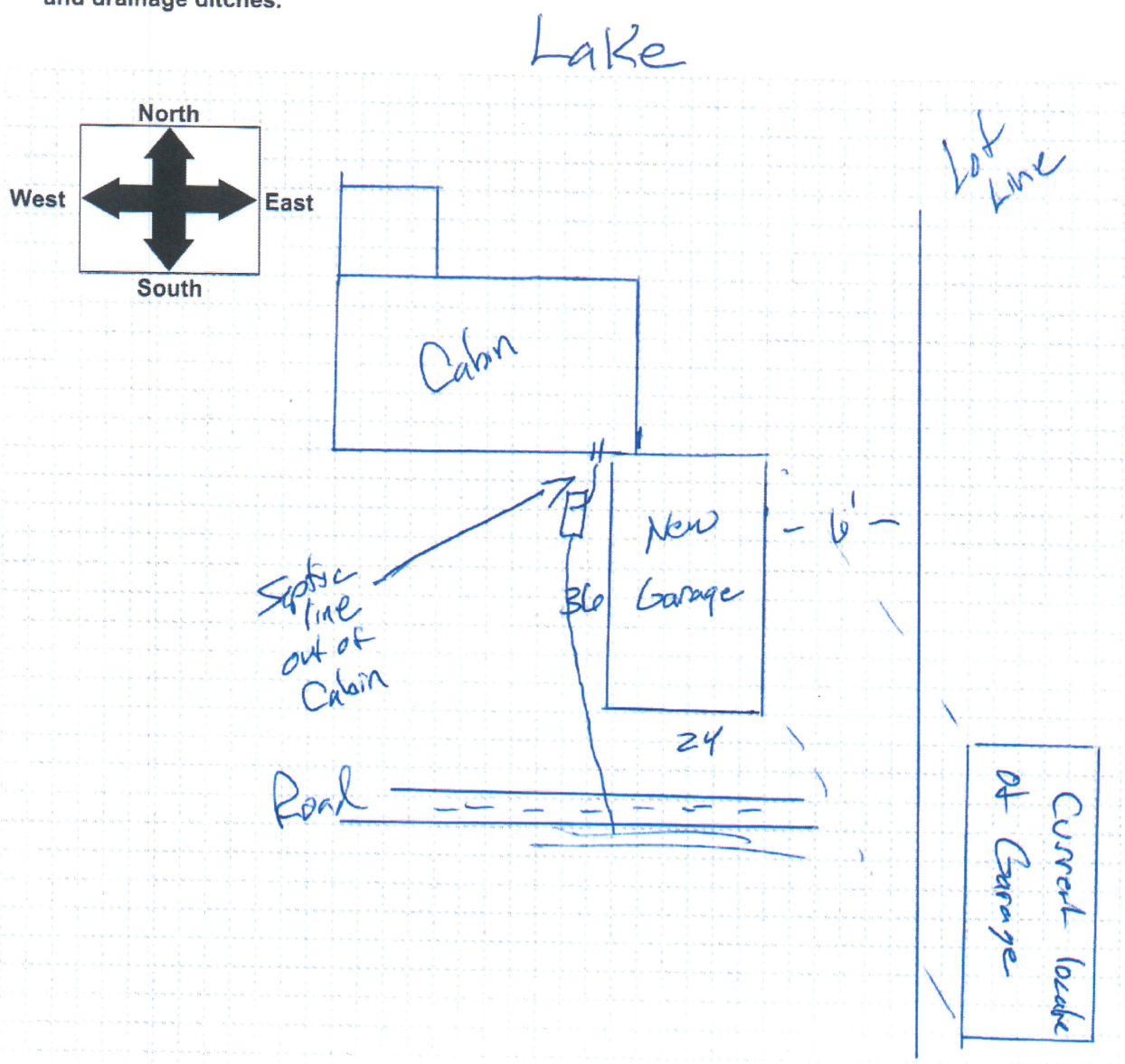
Parcel ID 092751124722360

Form continued on page 2

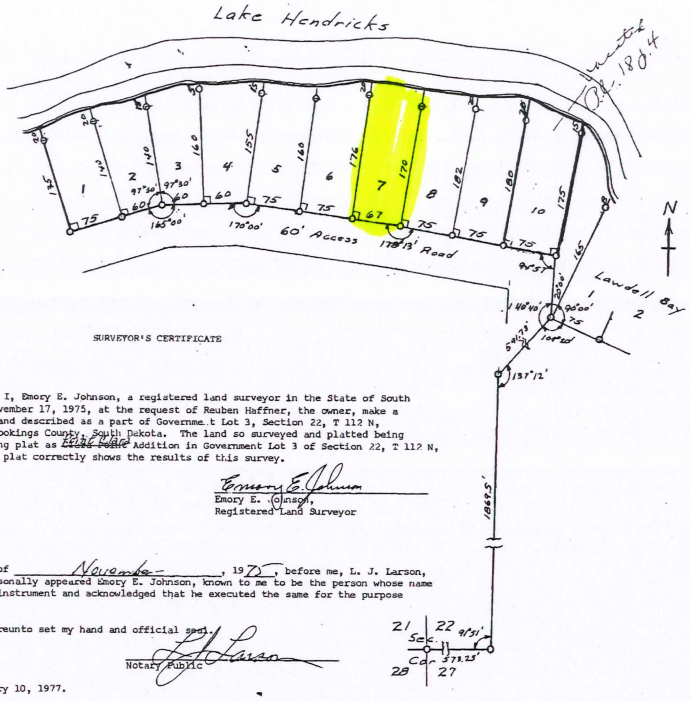
2020CU016 + 2020VAR009

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.



~~Clara Point~~ Point Clara Addition
Government Lot 3 of Section 22
T 112 N, R 47 W of the 5th P.M.
Brookings County South Dakota
Scale 1" = 100' November 17, 1975



SURVEYOR'S CERTIFICATE

State of South Dakota)ss
County of Brookings)

This is to certify that I, Emory E. Johnson, a registered land surveyor in the State of South Dakota, did on and before November 17, 1975, at the request of Reuben Haffner, the owner, make a survey and plat a tract of land described as a part of Governme t Lot 3, Section 22, T 112 N, R 47 W of the 5th P.M. in Brookings County, South Dakota. The land so surveyed and platted being that shown on the accompanying plat as ~~Clara Point~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. This plat correctly shows the results of this survey.

Emory E. Johnson
Emory E. Johnson,
Registered Land Surveyor

State of South Dakota)ss
County of Brookings)

On this the 19th day of November, 1975, before me, L. J. Larson, the undersigned officer, personally appeared Emory E. Johnson, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.

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

L. J. Larson
Notary Public

My commission expires February 10, 1977.

OWNER'S CERTIFICATE

State of South Dakota)ss
County of Brookings)

This is to certify that we, Reuben L. Haffner and Rose A. Haffner, are the owners of a tract of land described as Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. in Brookings County, South Dakota and referred to in the accompanying Surveyor's Certificate, and that it is free of any encumbrance. We further certify that we requested Emory E. Johnson, a registered land surveyor, to survey and plat a part of this land and we hereby approve this survey and plat.

The portion so platted shall hereafter be designated as ~~Clara Point~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. as is shown on this plat.

Reuben L. Haffner
Rose A. Haffner
Owners

State of South Dakota)ss
County of Brookings)

On this 25th day of November, 1975, before me, Arthur Graslie, the undersigned officer, personally appeared Reuben L. Haffner and Rose A. Haffner, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purpose therein contained.

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

Arthur Graslie
Notary Public

My commission expires Sept 27, 1981.

RESOLUTION BY BOARD OF COUNTY COMMISSIONERS

It was moved by Arthur Thielen, and seconded by Irene Wesson, and motion carried, that the plat as shown hereon and as described on the accompanying plat and certificate of ~~Clara Point~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. be approved and accepted and the County Auditor is hereby instructed to endorse on such plat a copy of this resolution and to certify the same.

I, Verna Schutte, County Auditor of Brookings County, hereby certify that the accompanying plat was approved and accepted by the Board of County Commissioners at its meeting of December 2, 1975.

Verna Schutte
County Auditor

TREASURER'S CERTIFICATE

State of South Dakota)ss
County of Brookings)

I, Kenneth Harvey, Treasurer of Brookings County, South Dakota hereby certify that all the taxes which are liens upon any of the property included in the accompanying plat of ~~Clara Point~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. have been paid according to the records in the Treasurer's Office.

Dated at Brookings, South Dakota this 12 day of Dec, 1975.

Kenneth Harvey
County Treasurer

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Floyd Miller, Director of Equalization, hereby certify that I have received a copy of the accompanying plat of ~~Clara Point~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. according to the laws of the State of South Dakota.

Floyd Miller
Director of Equalization

50018

OFFICE OF REGISTER OF DEEDS

Filed for record this 2nd day of March, 1976, A.D. at 3:30 P M, and recorded in Book of Plats 11 on page 39 therein.

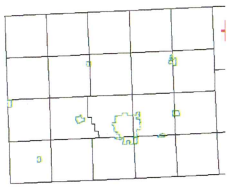
By Anna C. Strand
Register of Deeds

2 of 4 pages
1 of 2 pages
white

2020 cu016 + 2020 var009

Beacon™ Brookings County, SD

Overview



Legend

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

Parcel ID	092751124722360	**Alternate ID**	n/a	**Owner Address**	KONZ, RAYMOND ET AL
Sec/Twp/Rng	22-112-47	**Class**	NAC		909 PARKVIEW BLVD
Property Address	720 S LAKE HENDRICKS DR HENDRICKS	**Acreage**	n/a		BRANDON SD 57005
District	0910A				
Brief Tax Description	POINT CLARA ADDN, LOT 7 IN SW 1/4 OF SEC 22-112-47, 67' X 173' (Note: Not to be used on legal documents)				

Date created: 6/23/2020
Last Data Uploaded: 6/23/2020 8:07:21 AM

Developed by Schneider GEOSPATIAL

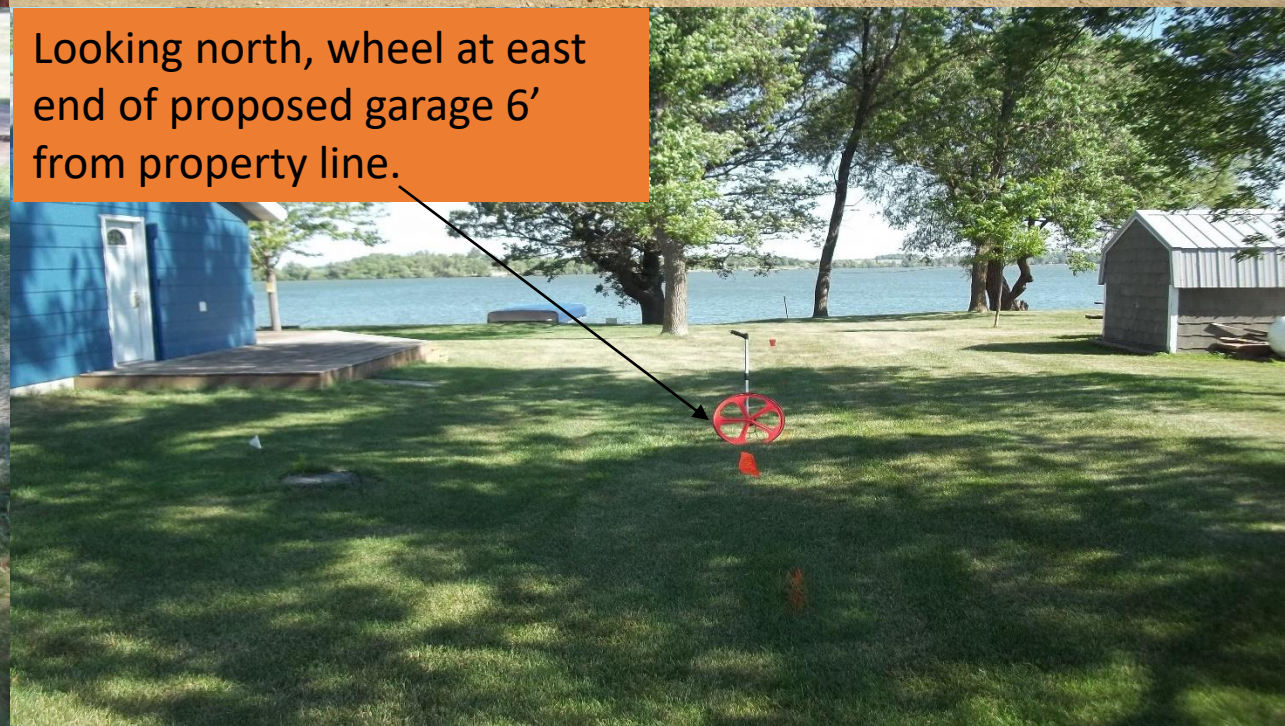
Raymond Konz- 2020cu016 & 2020var009

Used 24’ x 36’ x 9’ garage to be moved to his property. The garage is currently at his adjoining neighbor.

Looking north towards proposed garage location

Wheel at southeast corner of house and west edge of proposed attached garage, 2’ from septic line oin

Looking north, wheel at east end of proposed garage 6’ from property line.



Looking west, wheel at east end of proposed garage.

Looking west, wheel at south end of proposed garage,

Looking north, wheel at 36’ from house and 6’ from property line.

Looking north towards applicant’s house and proposed moved in garage.
FIRE NO
719
FIRE NO
720
720
719

RECEIVED

JUL 6 2020

BROOKINGS COUNTY DEVELOPMENT

APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application: July 6, 2020 Permit Number: 2020cu016

To: Brookings County Board of Adjustment
520 3rd 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 Conditional Use to the Brookings County Zoning Regulations for the purpose of:

Moving a 24'x36' Frame Car Garage from Dave Axelsen's lot located at (719 S. Lake Hendricks Dr) to my lot, 40 ft away at (720 S. Lake Hendricks Dr.)

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

Article IV District Reg.: Ch 4.03 "LP" Lake-Park District: Section 4.03.02 Cond. Use Permit #6: Acc. Bldg with sidewall greater than 14' or more than 2,000 sq ft & used accessory bldg greater than 720 sq. ft..

C.) Legal Description of Property:

Point Clara Addn. Lot 7 in SW¼

Sec 22-112-47 Brookings County SD

Site addr: 720 S Lake Hendricks Dr. Hendricks MN 56136

Parcel ID 092751124722360

Form continued on page 2

D.) Time and Date Set for Hearing before Brookings County Board of Adjustment.

Aug 4, 2020
Date

8:00 PM
Time

Approved

Rejected

Date

Chairman of Brookings County Board of Adjustment

Raymond Konz
Person filing petition – print

Person filing petition – sign

909 S. Parkview Blvd
Address

Brandon
City

SD
State

57005
Zip Code

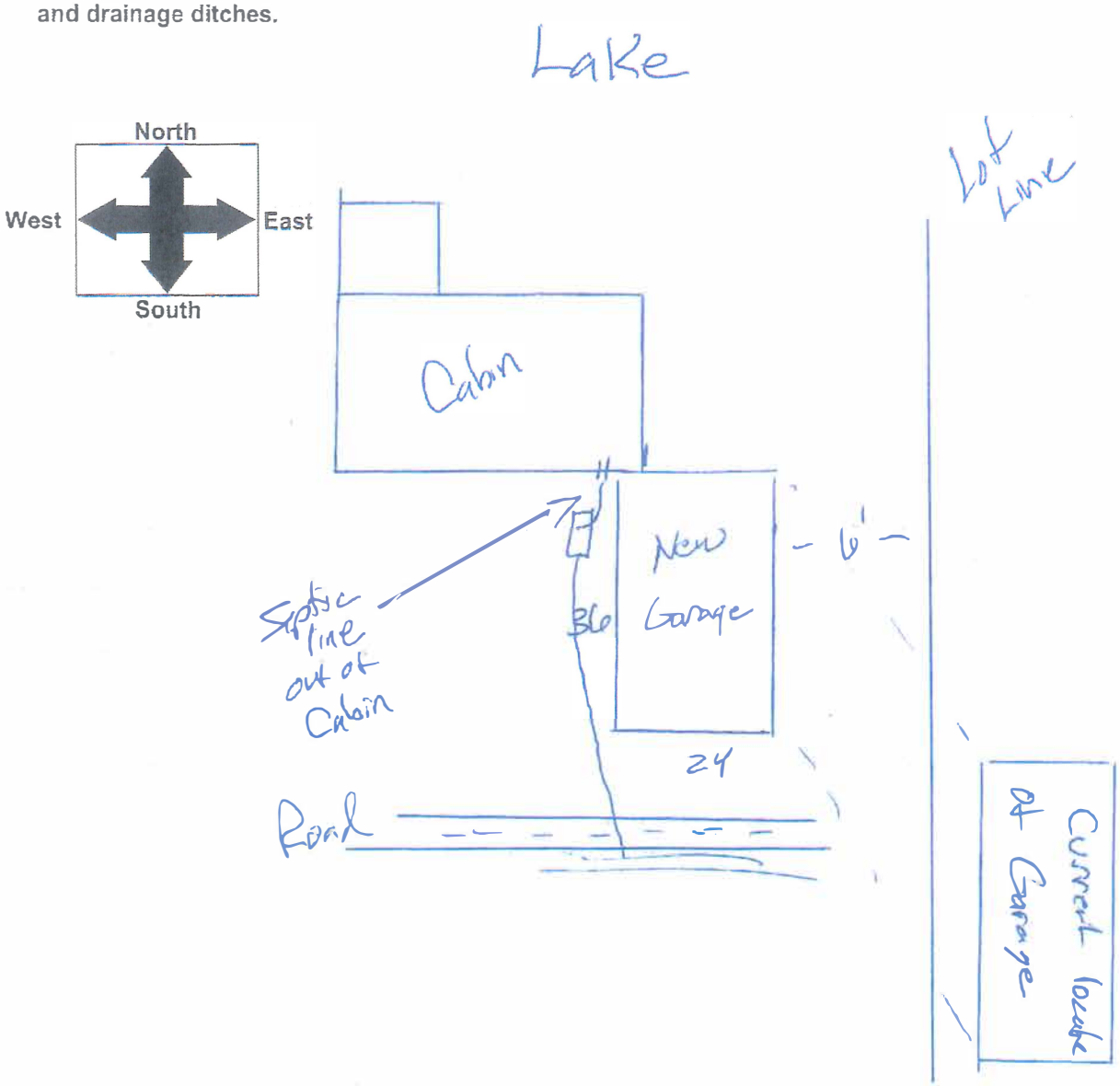
605-201-0659
Telephone

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

2020CU016 + 2020VAR009

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.



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: zoning@brookingscountysd.gov

Brookings County Board of Adjustment
August 4, 2020 – 8:00 PM meeting

2020cu015 – August 4, 2020

Prepared by Richard Haugen,

Applicant/Owner: Dakota Redi-Mix LLC by Robert Winter, PO Box 646, Brookings, SD 57006
Site: 47280 SD Hwy 324, Brookings, SD 57006.

Legal Description: "SE1/4 Exc H-3 & H-4 of Section 18, T109N, R49W (Trenton Township)".

Brookings County Zoning Ordinance, Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 5B: Concrete Mixing Plant.

2020cu015: Dakota Redi-Mix, LLC by Robert Winter has applied for an agricultural district conditional use # 5B: Concrete Mixing Plant. The cement plant will be located on their gravel pit, located at 47280 SD Hwy 324, Brookings, SD, which is just east of I-29 / Elkton exit. The applicant is anticipating on the cement plant being there 10-15 years or until the gravel mining is completed. They will start with 6-8 cement trucks in their fleet and may expand up to 10 trucks in the future, if the demand is there. The entrance and exit to the property will be off South Dakota Highway 324 and use the existing driveway. The site plan shows a materials hopper, mixing plant, job trailer and future building. The cement powder will be hauled in and use aggregate that is on site. The applicant will need the appropriate water permit from South Dakota Department of Environment and Natural Resources for water used at the plant. There will be a wash out area with settling ponds, this is where the trucks will be washed out. The cement residue will settle out and the hardened cement will be hauled out to a permitted contractor to be crushed or used as fill. The parcel is located in the flood plain and Zone "B" of the South Dakota Aquifer Materials Map. The applicant will have to meet the "Performance Standards" listed Section 4.06.06 of the Aquifer Protection Ordinance. East Dakota Water Development District has reviewed the proposed plans.

Public notices were published in the Brookings Register on July 21 and 28, 2020.

Letters were sent to the land owner, adjoining landowner's, Trenton Township Chairman and Clerk, Brookings County Highway Department and South Dakota Department of Transportation.

APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application: 6/30/2020 Permit Number: 2020 cu 015

To: Brookings County Board of Adjustment
520 3rd 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 Conditional Use to the Brookings County Zoning Regulations for the purpose of:

Ready Mix Concrete Plant

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

Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit #5B: Concrete Mixing Plant.

C.) Legal Description of Property:

47280 SD Hwy 324 Brookings SD

SE 1/4 Exc. H-3 & H-4 Sec 18-109-49

Parcel # 210001094918400 (Trenton Twp)

RECEIVED

JUL 7 2020

BROOKINGS COUNTY DEVELOPMENT

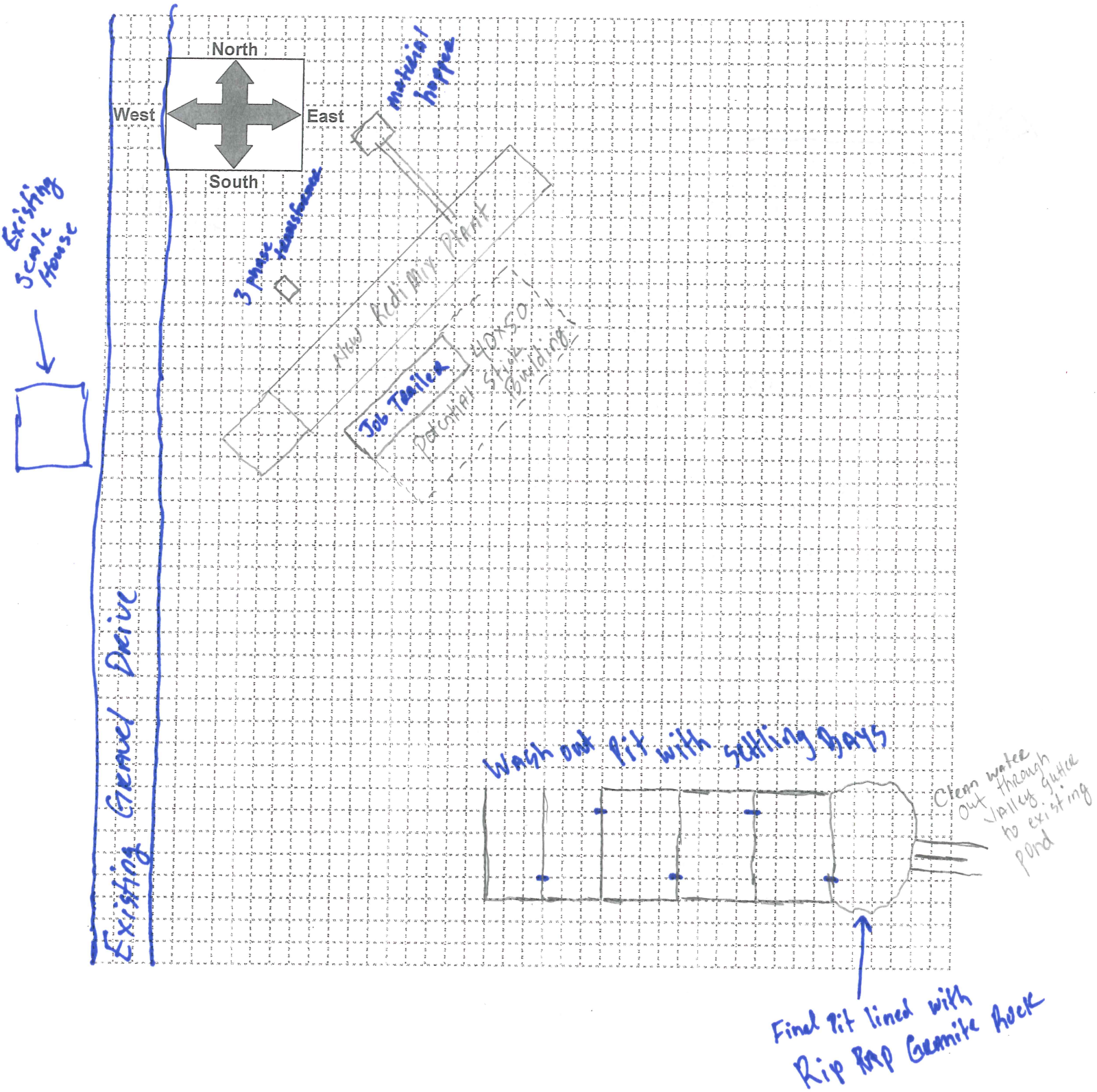
Form continued on page 2

2020CU015

Blown up Area of photographed site

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.



SD Redi-Mix 2020CU015

SD Redi-Mix is a concrete supplier that will supply the Brookings area.

Standard hours will be 7:00 AM to 5:30 pm Monday thru Friday. Some earlier or later times may be needed incoming order demands it. The ocassional Saturday may be needed also.

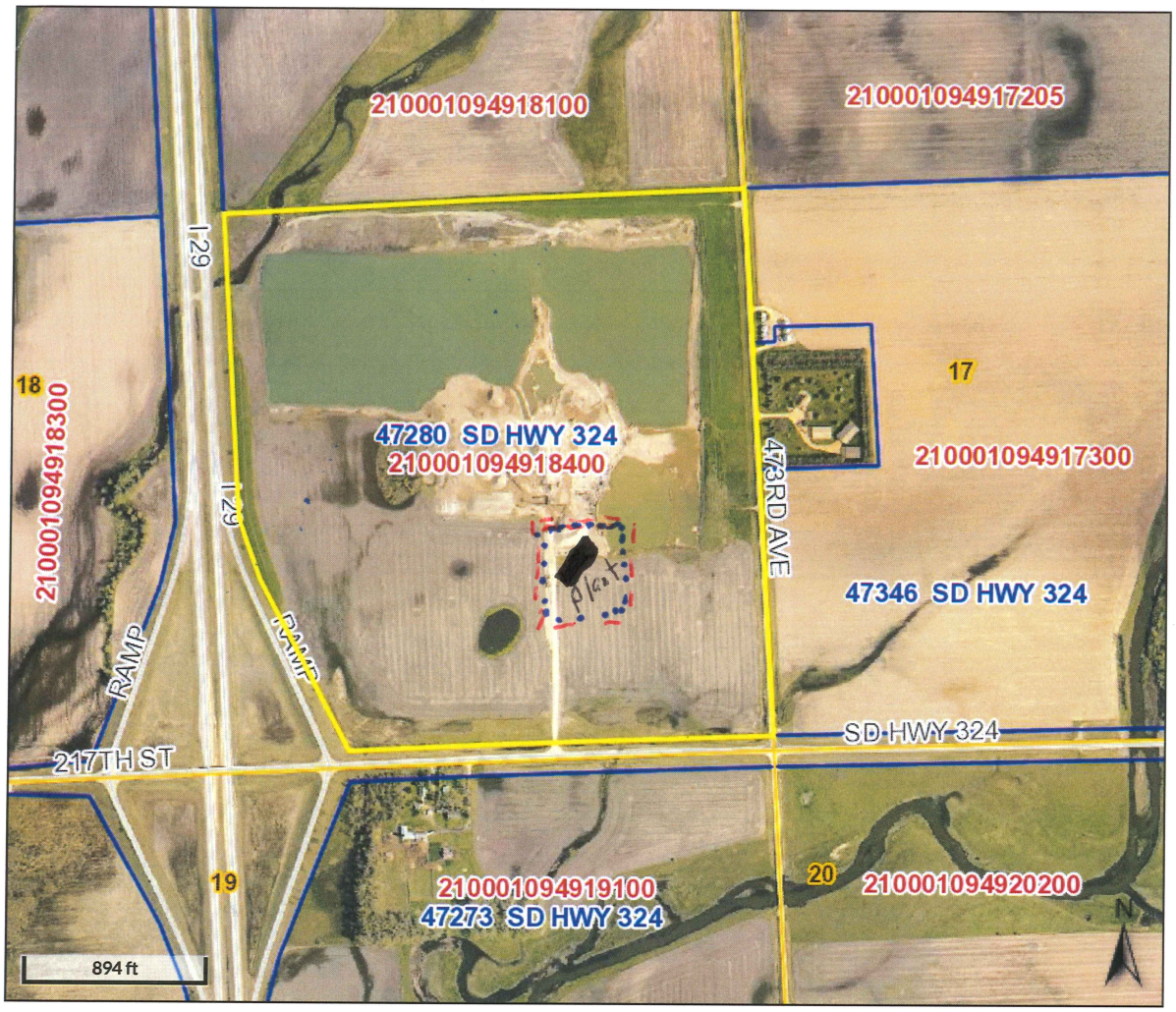
The main route used will be exit location to Coroad 324 then North or South on Interstate 29 to location.
Truck and personal vehicle parking will be on the Northwest corner of gravel area, North of the existing scale House. Diesel for the trucks will be supplied by the existing self inclosed fuel tanks that are already being used by the mining operation currently there.

The washout pit is a self contained 5 pit settlement pit that allows cement particles to settle out of wash water and at the end of the process the clean water will exit to one of the existing ponds. Any excess concrete on trucks will be delivered to LG Everest and strung out to be used by them for reclamation of one of their ponds.

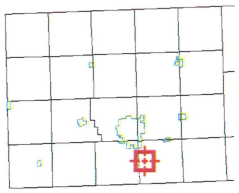
Once mining at location has concluded the Redimix operation will disassemble and move to a new location, at that point reclamation of property will begin.

2020CU015

Beacon™ Brookings County, SD



Overview



Legend

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

Parcel ID	210001094918400	**Alternate ID**	n/a	**Owner Address**	ROCK ON LLC
Sec/Twp/Rng	18-109-49	**Class**	AGA		PO BOX 807
Property Address	47280 SD HWY 324	**Acreage**	117.32		CROOKS SD 57020
	BROOKINGS				
District	2101				
Brief Tax Description	SE 1/4 EXC. H-3 & H-4 SEC 18-109-49 142.32 AC				
	(Note: Not to be used on legal documents)				

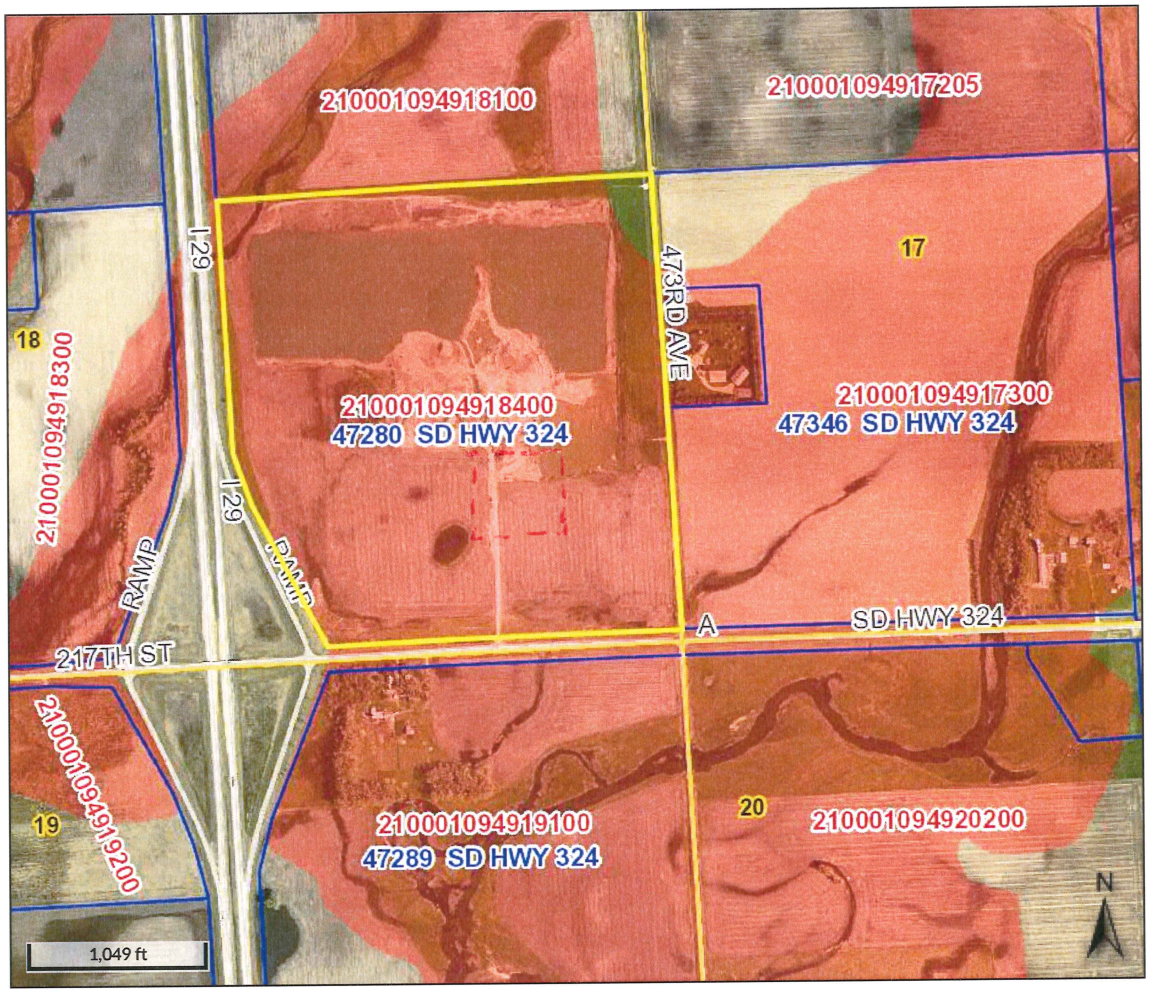
Date created: 6/10/2020
Last Data Uploaded: 6/10/2020 8:09:42 AM

Developed by Schneider GEOSPATIAL

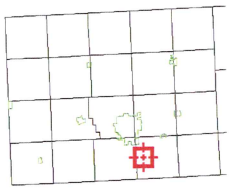
Boxed Area is blown up
Area in sketch area

2020 cu015 Floodplain 2008 Map

Beacon™ Brookings County, SD



Overview



Legend

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

Floodplain 2008

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- X

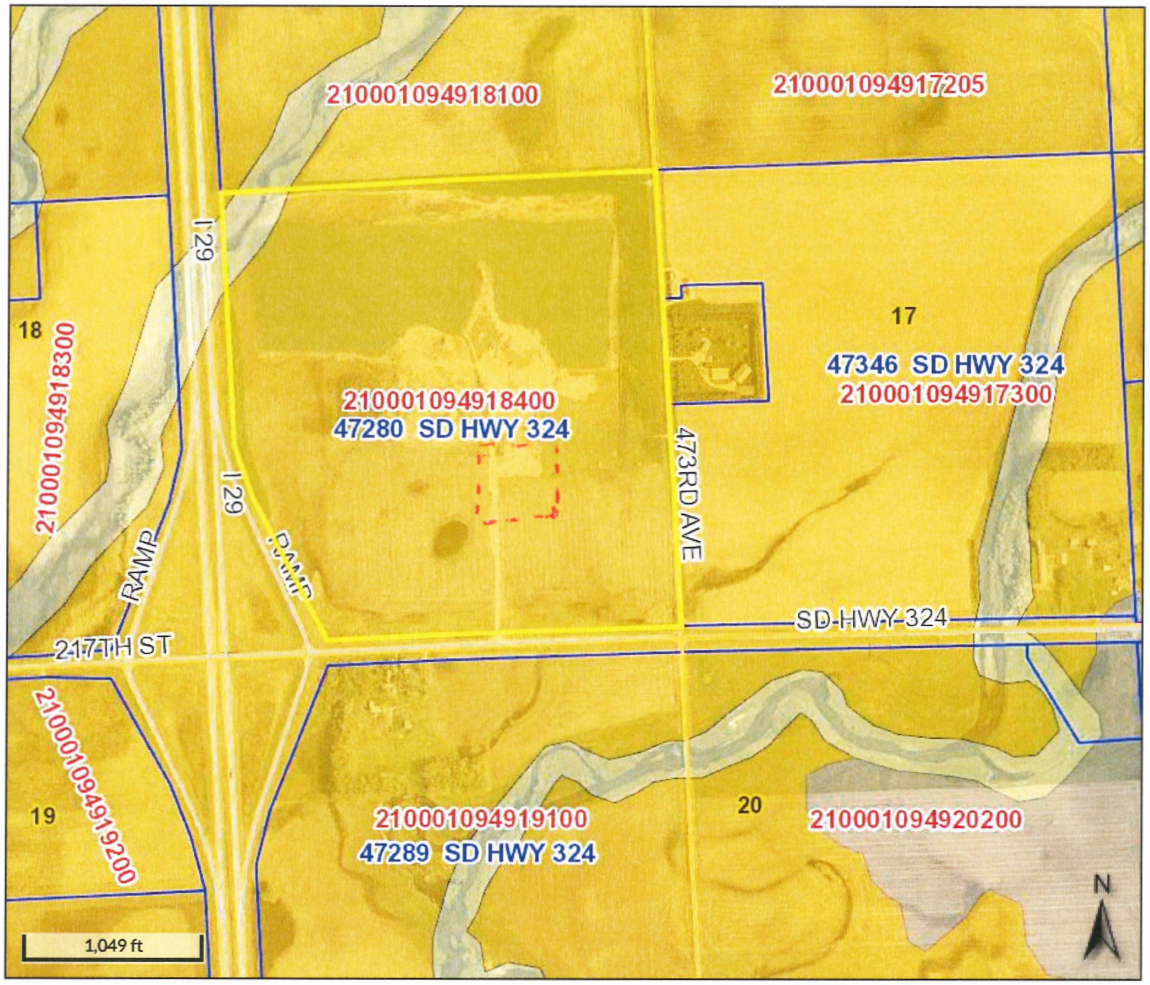
Parcel ID	210001094918400	**Alternate ID**	n/a	**Owner Address**	ROCK ON LLC
Sec/Twp/Rng	18-109-49	**Class**	AGA		PO BOX 807
Property Address	47280 SD HWY 324	**Acreage**	117.32		CROOKS SD 57020
	BROOKINGS				
District	2101				
Brief Tax Description	SE 1/4 EXC. H-3 & H-4 SEC 18-109-49 142.32 AC				
	(Note: Not to be used on legal documents)				

Date created: 7/10/2020
Last Data Uploaded: 7/10/2020 8:09:08 AM

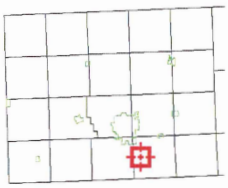
Developed by Schneider GEOSPATIAL

2020cu015 Aquifer Materials Layer Map

Beacon™ Brookings County, SD



Overview



Legend

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

Aquifer Materials

- Alluvium
- Outwash
- Sand and Gravel 0-50
- Sand and Gravel 100+
- Sand and Gravel 50-100
- Parcels
- Roads

Parcel ID	210001094918400	**Alternate ID**	n/a	**Owner Address**	ROCK ON LLC
Sec/Twp/Rng	18-109-49	**Class**	AGA		PO BOX 807
Property Address	47280 SD HWY 324	**Acreage**	117.32		CROOKS SD 57020
	BROOKINGS				
District	2101				
Brief Tax Description	SE 1/4 EXC. H-3 & H-4 SEC 18-109-49 142.32 AC				
	(Note: Not to be used on legal documents)				

Date created: 7/10/2020
Last Data Uploaded: 7/10/2020 8:09:08 AM

Developed by Schneider GEOSPATIAL

2020cu015: Dakota Redi-Mix LLC by Robert Winter.

Looking north down driveway off SD 324.

Looking east from driveway on SD Hwy 324.

Looking west from driveway on SD Hwy 324.

Looking down driveway towards proposed location of cement plant.

APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application: 6/30/2020 Permit Number: 2020cu015

To: Brookings County Board of Adjustment
520 3rd 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 Conditional Use to the Brookings County Zoning Regulations for the purpose of:

Ready Mix Concrete Plant

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

Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit #5B: Concrete Mixing Plant.

C.) Legal Description of Property:

47280 SD Hwy 324 Brookings SD

SE 1/4 Exc. H-3 & H-4 Sec 18-109-49

Parcel # 210001094918400 (Trenton Twp)

RECEIVED

JUL 7 2020

BROOKINGS COUNTY DEVELOPMENT

Form continued on page 2

D.) Time and Date Set for Hearing before Brookings County Board of Adjustment.

Aug. 4. 2020
Date

8:00PM
Time

Approved

Rejected

Date

Chairman of Brookings County Board of Adjustment

Dakota Re&t-Mix LLC
Robert Winter
Person filing petition – print

Person filing petition – sign

PO Box 646
Address

Brookings
City

SD
State

57006
Zip Code

605-690-1199
Telephone

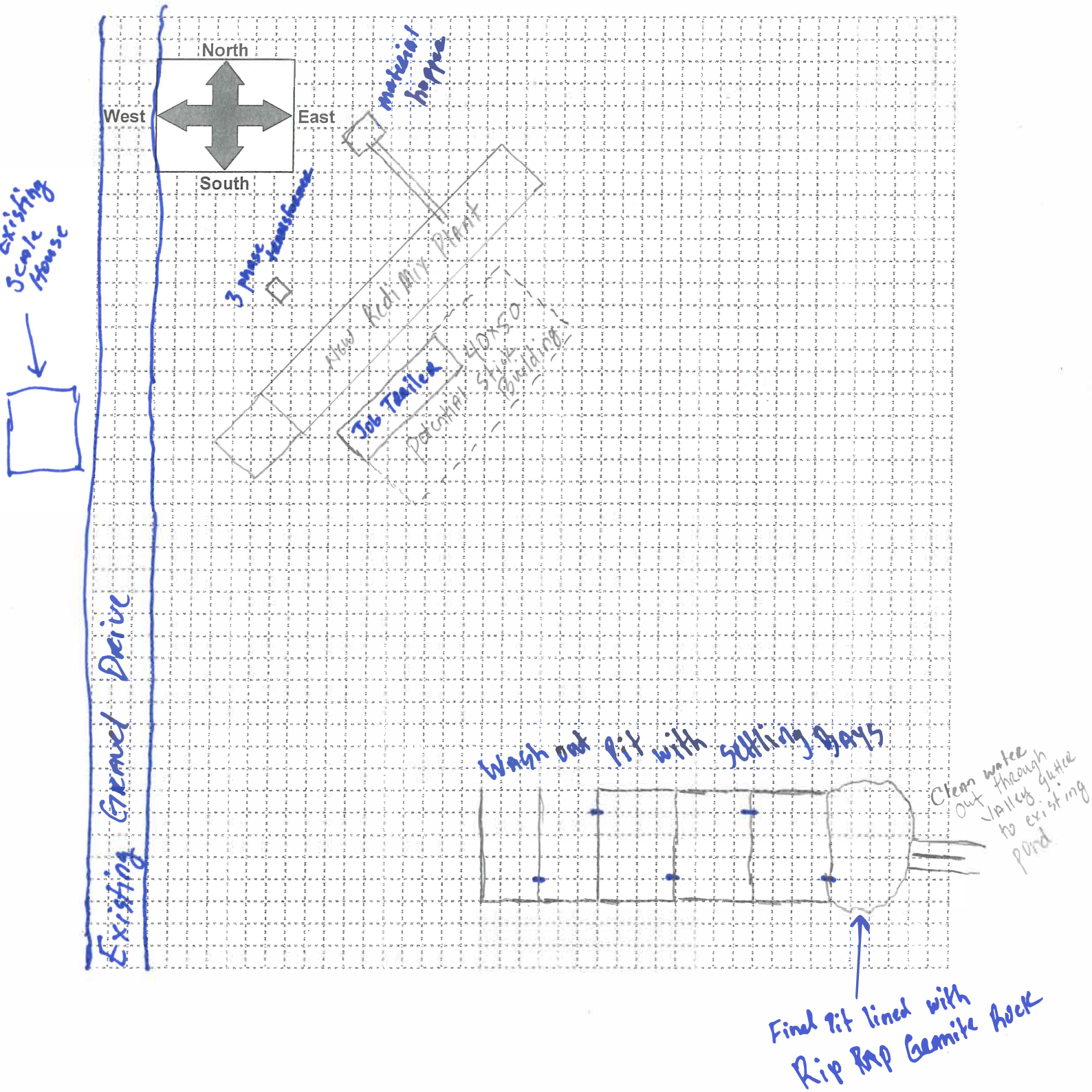
A conditional use that is granted and not used within three (3) years will be considered invalid.

2020CU015

Blown up Area of photographed site

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.



FILED JUL 23 2020

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: zoning@brookingscountysd.gov

July 23, 2020 – 12:53 PM

Pam Telkamp, an adjoining landowner, called the Zoning office to say she is opposed to the concrete plant.

Richard Haugen
Brookings County Development

FILED JUL 24 2020

Dear Brookings County Development Department,

My name is Pamela Telkamp, I am responding to your letter in regards to the Concrete Mixing Plant at "SE 1/4 Etc. H-3 & H-4 of Section 18 T109N, R49W (Trenton Twnship)

I am NOT in favor of this happening. We already have so much traffic from the gravel pit & so many trucks go by, it would surely add to congestion on roads.

I cannot attend in person, but wanted my opinion known & the reasons for it.

Thank you,
Pamela J Telkamp

FILED JUL 27 2020

July 26, 2020

Dear Zoning Officer,

This is to inform you that I definitely do not approve of a concrete mixing plant being built at 47280 S.D. Highway 324 in Trenton township, Section 18.

I suffer from bronchitis & have a bad cough & have learned that the emissions from such a plant can badly effect the lungs.

Please take into consideration all the neighbors health.

Thank you.

Leona Telkamp

From: Lisa Castro <lisatcastro@hotmail.com>
Date: July 27, 2020 at 4:58:18 PM CDT
To: Richard Haugen <RHaugen@brookingscountysd.gov>
Subject: Proposed Cement Plant on Northeast Corner of Elkton/Sinai Exit off of I-29

FILED JUL 28 2020

To Whom It May Concern:

I am currently the co-owner of the property directly south (across the road) from the current gravel pit and proposed cement plant, as well as land within a one-mile radius. I did not receive a notice of the proposed cement plant but was informed of the proposal by my sister-in-law, Pamela Telkamp.

I AM STRONGLY OPPOSED TO A CEMENT PLANT ANYWHERE NEAR OUR PROPERTY FOR THE FOLLOWING REASONS:

HEALTH RISK/DAMAGE:

Allowing a cement plant will expose all current and future tenants of our property (which include children) to the pollutants that cement plants are known to release, namely ammonia, benzene, certain glycol ethers, chromium, diethanolamine, dioxin and dioxin-like compounds, ethylene glycol, lead, manganese, mercury, sulfuric acid and zinc compounds. These pollutants are known carcinogens and also affect the air we breathe. Studies have shown that people living in municipalities in close proximity to cement plant emissions have a greater risk of respiratory diseases like tuberculosis, cardio-vascular diseases and asthma - especially children.

PROPERTY DAMAGE:

Cement plants are known to emit fine dust. Anyone living in close proximity will continually fight the fine dust that will infiltrate all cracks and crevices of their homes and buildings. If you are a landlord, you wish to rent to clean tenants. Clean tenants will not wish to stay in a property where they have to continually fight the dust caused by the cement plant.

CROP/PLANT DAMAGE:

Studies have also shown direct damage to plants/crops exposed to the pollutants associated with cement plants. Quoting from Scientific Research OJE Vol.6 No.7 June 2016:

In a major research on the effect of pollutant substances on the vegetation performed in areas around the cement industry in most parts of the world, clearly, the destruction of plant life by the rising material entry has been proved. The emissions from cement factories toward the nature via weather, water and soil that are included as the feeder sources of plant and their concentration beside the plant disturbs their metabolic activities in providing the vital needs. Environmental fluctuations, including temperature, pH, soil moisture and erosion as a result of around pollutants will be created. That along with it, supply of energy resources to the different components of the soil will be placed under this metamorphosis, and the more specialized the vital organs, such as the contents of the plant's chlorophyll, fitomas, protein and starch will show a serious reduction [1] . These dust mites in addition to the various poisonous heavy metals concentration to the plant components make changes in the plant's soil nutrition that their most important items are soil pH due to the arrival of alkaline compounds and the increase of absorption capacity for soil [1] . Mercury and Cadmium are regarded as a heavy poisonous metal and important environmental pollution factor, which are the major source of pollution and produce the most dangerous pollutants by the growth of industry & cement factories. Whenever the density of pollutants exceeds a certain limit, in addition to the human and animals' health, it can be toxic for plants too. This toxicity is associated with the plant growth reduction and then the yield of plant will be reduced and in more extreme circumstances leads to death .

All farm land near the cement plant would be adversely affected.

FINANCIAL DAMAGE:

Our current tenant has sheep. The pollutants from a cement plant will adversely affect any livestock in the area. This can have a financially damaging affect not only on the owners of the livestock, but on those who receive income by renting farm property for the purpose of raising livestock, which is what we currently do.

We will not only lose our current tenants, who have children and sheep, but future, prospective tenants will be reluctant to rent our property due to the health risks associated with living near a cement plant.

A cement plant DIRECTLY ACROSS THE ROAD from my property will severely damage our property value. Cement plants are unsightly, dirty and noisy. They have heavy equipment coming and going. People looking to buy property in the country do so specifically for the "peace and quiet" of country life. Our property's "peace and quiet" will be destroyed and we would have to take a serious loss if we wished to sell.

In researching cement plants and the effect they have on people and the environment, I found a frightening quote:

"I'm from Vietnam. In my country there is a town in Hai Duong province in which half of its villagers died of cancer. This town has changed its name to "Tu Liet", meaning town-of-all-dead." (Quang Hongdang) To what did they attribute the death of half of the town? It had a big cement plant. Although Vietnam and the United States are vastly different in many ways, the potential dangers of cement plants remain the same.

In conclusion, I am extremely opposed to a cement plant being allowed to be constructed directly across the road from our property. It will cause health risks to humans, animals and crops. It will cause financial damage due to loss of tenants and prospective resale of the property. It will adversely affect the "peace and quiet" that is due to anyone wishing to live away from the city.

I implore you to put yourself in my shoes and ask yourself: "Would I want a cement plant across the street from my property?" I have no doubt you would answer "Absolutely Not" and for this reason I ask you to deny this proposal and all future proposals for such a plant.

Sincerely,

Lisa Telkamp-Castro