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**December 1st, 2015 Minutes**

Brookings County Planning & Zoning Commission  
December 1st, 2015 – 7:00 PM  
Brookings City & County Government Center  
310 Chambers

Chair Robbins called the meeting to order at 7:12 PM. Commission members present were: Lee Ann Pierce, Robert Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Laurie Nichols, Randy Jensen, and alternate board member Tom Davis. Absent was: Roger Erickson alternate board member.

Chair Robbins read **agenda item # 2: Approval of minutes from November 3<sup>rd</sup>, 2015 meeting.** Terrell Spence moved to approve minutes Darrell Nelson second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 3: Items to be added to agenda by commission members or staff.** a) Richard Haugen noted - 2015plat029 added under 9d. b) Chair Robbins to announce Nominating Committee for Elections that will take place at the January meeting.

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

Chair Robbins read **agenda item # 5: Approval of Agenda.** Tom Davis moved to approve the agenda. Darrel Kleinjan second. Chair Robbins called for a voice vote. 9 -ayes and 0-nays, motion carried. Tom Davis removed himself and Lee Ann Pierce returned.

Chair Robbins stated, "We are now acting as the Board of Adjustment", read the opening statement and **agenda item #6: 2015var031: Linda Harte has made an application, 2015var031, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "Lot 8 & 9 Bortnem Beach Addition in Govt Lots 3 & 4 of Sec**

**32, T109N, R50W of the 5<sup>th</sup> P.M. Brookings County, South Dakota (Medary Township)” ~~ located at 8964 & 8972 Bortnem Beach Rd, Volga, SD 57006.**

Kimberly Elenkiwich moved to approve the variance. Laurie Nichols second. Chair Robbins opened up for discussion and asked Mr. Haugen for a staff report. Mr. Haugen stated, “Ms. Harte has applied for a variance. She has purchased two lots in the Bortnem Beach Addition at Lake Campbell and is removing the 2 structures that are currently there. She would like to move in her 2005 - 16 feet x 75 feet manufactured home and add a 12 feet wide x 20 feet long deck. With the deck it would be approximately 38 feet from the high water mark. A variance of 37 feet. She will meet the 8 feet side and 25 feet road setbacks. The Bortnem Beach Addition was platted in June, 1962. The lot also has a 12 feet x 20 feet structure that I believe she may be removing. The hardship is the shape and size of the lot. There will also be a variance request for a garage to be located on this lot that we will be hearing about tonight too.” Chair Robbins asked Ms. Harte to come forward, identify herself and address the board. Ms. Harte identified himself as Linda Harte and stated, “Both the old trailers have been removed. The two lots combined area is 100 feet x 100 feet. My plan is to move my mobile home that I currently resided in onto the lot and place it parallel to the lakeshore and the road. I am also planning on adding a deck or porch onto my mobile home on the lakeside and also putting a garage on the lot.” Chair Robbins opened up for questions from the board. Board member Kimberly Elenkiwich asked, “What are your plans for the existing 12 foot x 15 foot structure that was mentioned?” Ms. Harte stated, “It is still on the lot, I may turn it into a workhouse, shed or boathouse. It is set solid in the ground by itself.” Ms. Harte’s contractor Doc Knaus stated, “The 12 foot x 15 foot structure was an addition that had been built on one of the old trailers.” Chair Robbins asked, “As far as the set-back is concerned for the deck and trailer, are you any closer to the lakeside than the other properties are?” Ms. Harte stated, “No, because of the existing building everything is behind that.” Board member Rochel asked if neighbors were contacted. Ms. Harte stated, “I have talked with one couple and they are excited for the changes, other neighbors are snowbirds so I haven’t personally talked to them.” Mr. Haugen stated, “No comments have been received from the township board or neighbors.” Mr. Hill added that the 1971 trailer would not even be allowed to be lived in today, “Because of the age in the wiring. From a building official standpoint the 2005 trailer is a much safer residence.” Chair Robbins opened up for discussion from the audience. Seeing none he asked for further discussion for the board. Hearing none he asked Mr. Haugen to go over findings of facts, which are on file. Chair Robbins called for a roll call vote: Pierce-aye, Rochel-aye, Nelson-aye, Elenkiwich-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Robbins-aye. 9-ayes, 0-nay. Motion carried.

Chair Robbins read **agenda item # 7: 2015var032: Linda Harte has made an application, 2015var032, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: “LP” Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: “Lot 8 & 9 Bortnem Beach Addition in Govt Lots 3 & 4 of Sec 32, T109N, R50W of the 5<sup>th</sup> P.M. Brookings County, South Dakota (Medary**

**Township)” ~~ located at 8964 & 8972 Bortnem Beach Rd, Volga, SD 57006.**

Kimberly Elenkiwich moved to approve the variance. Terrell Spence second. Chair Robbins opened up for discussion and asked Mr. Haugen for a staff report. Mr. Haugen stated, “Ms. Harte has applied for a variance to build a 20 feet x 20 feet detached garage approximately 20 feet from the road. The separation distance between the garage and her manufactured home would be approximately 9 feet. She will install a fire wall in the garage wall closest to her house, due to the short separation distance. She will meet the 8 feet side and 75 feet lake front setbacks. The road setback is 25 feet so she is asking for a variance of 5 feet. The garage would be a similar distance or farther away from the road that other existing structures in the area.” Mr. Haugen also noted: 1) Hardship would be the shape and size of the lot. 2) The location of existing septic system, water and electric lines. Chair Robbins asked Ms. Harte to address the board. Ms. Harte stated, “I am planning on leveling off the ground area were the garage will be located. The garage would be 20 feet from the edge of the road so there would be area for parking off the road. The electrical is located on 2 areas on the lot because of it initially being 2 separate lots, the electrical will probably come in from the south.” Chair Robbins opened up for questions from the board. Board members discussed separation distance of garage from the residence and the sidewall height of the garage. Harte stated, “The garage walls would be the conventional 8 feet on the garage.” Chair Robbins opened up for discussion from the audience. Seeing none he asked if the board had additional comments, hearing none he asked Mr. Haugen to go over the findings of the facts, which are on file. Chair Robbins called for a roll call vote: Rochel-aye, Elenkiwich-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Nelson-aye, Robbins-aye. 9-ayes, 0-nays. Motion carried.

Chair Robbins stated” We are now acting as the Brookings County Planning and Zoning Commission and read the opening statement and **agenda item #8: 2015cu011: Delaine “Doc” Knaus has made an application, 2015cu011, to the Brookings County Planning and Zoning Commission for a conditional use. Article 11: Section 11.01: “A” Agricultural District, Conditional Use # 4: “Sand, gravel or quarry operation, mineral exploration and extraction”. The property is described as: “NW1/4 Exc. OL 1 & Exc. Porter Addn in Sec 13, T109N, R50W (Medary Township) ~~ located at 21612 471<sup>st</sup> Ave, Brookings, SD 57006.** Darrell Nelson moved to take from the table. Laurie Nichols second. Chair Robbins called for a voice vote, 9-ayes, 0-nays. Motion carried. Chair Robbins opened up for discussion and asked Mr. Haugen if he had any new information. Mr. Haugen stated, “He had nothing and Mr. Knaus was to have a road agreement with him tonight.” Chair Robbins then asked Mr. Knaus to come forward, identify himself and address the open issues from the last meeting. Mr. Knaus stated “I just picked up the road agreement from Mark Richards before coming here tonight.” Mr. Knaus then signed the road agreement and handed it to Mr. Haugen who reviewed it and stated to the board, “It was signed by the Township Chairman and the applicant, Mr. Knaus. It will be placed on file.” Chair Robbins asked if the board had any questions or comments, hearing none. Chair Robbins opened up for questions from the

audience. Seeing none, Chair Robbins asked if the board had addition comments, hearing none he asked Mr. Haugen to go over the findings of the facts, which are on file. Chair Robbins called for a roll call vote: Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Robbins-aye. 9-ayes, 0-nays. Motion carried.

Chair Robbins then read **agenda item # 9. Consideration of Plats: a. 2015plat026: "Plat of Lots 5A, 6A and 6B of Block 1 in Lake Park Second Addition in E1/2 NE1/4 and Govt Lot 1 all in Sec 28, T109N, R50W Brookings County, South Dakota."** Darrell Nelson moved to approve the plat. Darrel Kleinjan second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "This plat is for an area in the Lake Park Second Addition by the golf course. The original plat was approved in 2013 and a Lake Park District: Conditional use #1: Twin Home was also granted at that time. A twin home was constructed on lot 6 and they are now dividing that lot 6 to go with each unit of the twin home, as one of the units has been sold. Lot lines between lot 5 & 6 were shifted 10 feet to the west so that is why lot 5 is also being replatted." The board discussed if replatting would bring up any issues on the pie shaped pieces and if all non-lake front set-backs would be met. Luke Muller from First District stated, "It is a standard practice with twin homes to replat, dividing the land with the home area." Chair Robbins opened up for questions from the board, seeing none he opened up for questions from the audience. Seeing none he asked for further discussion from the board, seeing none he called for a roll call vote: Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Elenkiwich-aye, Pierce-aye, Rochel-aye, Nelson-aye, Robbins-aye. 9-ayes, 0-nays. Motion carried.

Chair Robbins read **agenda item # b. 2015plat027: "Plat of Madsen Gardens Second Addition in S1/2 SE1/4 SW1/4 Sec 21, T109N, R50W of the 5<sup>th</sup> P.M., Brookings County, South Dakota."** Lee Ann Pierce moved to approve the plat. Terrell Spence second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Carl Madsen has applied for a plat, a non-lake lot that contains 22,500 square feet. With an easement along the east side for ingress/egress and utilities for the back lot. This area is north of the public lake access at Lake Campbell. The land directly to the west is an 11.6 acre parcel that is in a federal conservation program. The land directly to the north is driveway, building sight and farmland. This is considered a non-lake front lot, with current setbacks of 50 feet front and 50 feet rear and 8 feet side. With the front, rear and side setbacks it leaves a buildable area of 17 feet x 50 feet. With current zoning ordinances, he would have to apply for a variance for the front or rear in order to build on the lot." Carl Madsen was in attendance and Chair Robbins called him forward to address the board. Mr. Madsen stated, "My wife and I have owned the property for 23 years and we built a home further north of this lot. It was a dream to one day have a smaller property. I wasn't aware of the setback when we surveyed it, so I would need to get a variance if we one day decided to build on it. It is a 1/2-acre lot, I own the other land area to the north and to the west, and the South Dakota Department of Game, Fish and Parks owns the land to the south." The board discussed the

possibility of adding an additional 50 feet to the north side. Darrel Kleinjan made a substitute motion with a recommendation to approve the Plat of Madsen Gardens Second Addition subject to the condition that at least 50 feet is added to the north area on the plat. Randy Jensen second. Chair Robbins asked if the board had any discussion on the substitute motion or the plat. Hearing none Chair Robbins opened up for questions from the audience. Seeing none, Chair Robbins asked if the board or staff had addition comments. Mr. Haugen noted that with this substitute motion, if Mr. Madsen makes the changes it could be processed before the end of this calendar year. Chair Robbins asked for further questions, finding none he called for a roll call vote: Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Nelson-aye, Elenkiwich-aye, Robbins- aye. 9-ayes, 0-nays. Motion carried.

Chair Robbins read **agenda item # c. 2015plat028: "Plat of Lot 1 Vaske Addition in Sec. 30, T110N, R47W of the 5<sup>th</sup> P.M., Brookings County, South Dakota."** Lee Ann Pierce moved to approve the plat. Randy Jensen second. Chair Robbins asked Mr. Haugen for his staff report. Mr. Haugen stated, "Vaske Farms LLC is platting off 182.6 acres of pasture/grass land from the 311.2 acres of farmland they own in the west ½ of Section 30." Chair Robbins opened up for question and discussion. Board members discussed what the possible reason for dividing the land was and if the waterway was a named tributary. Chair Robbins opened up for questions from the audience. Seeing none, he asked the board for further discussion, seeing none he called for a roll call vote: Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Nelson-aye, Elenkiwich-aye, Kleinjan-aye, Robbins-aye. 9-ayes, 0-nays. Motion carried.

**d. 2015plat029: "Plat of Lots 1 & 2 Goodfellow Addition and Lot 1 of Myrth Williamson Trust Addition, all in N1/2 of the NE1/4 Sec. 18, T111N, R51W of the 5<sup>th</sup> P.M., Brookings County, South Dakota."** Laurie Nichols moved to approve the plat. Kimberly Elenkiwich second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "This land is located south of Lake Oakwood. Mr. Goodfellow owns 40 acres and is platting off an existing 16 acre homestead into "Lot 2 of Goodfellow Addition" and the remaining 24.5 acres into "Lot 1 of Goodfellow Addition", which consists of farm/grassland and trees. Myrth R. Williamson, Trustee of the Williamson Joint Revocable Living Trust is platting the existing 40 acres into "Lot 1 of the Myrth Williamson Trust Addition". This plat is being done to establish the property lines between the Goodfellow and Williamson ground. Chair Robbins opened up for questions from the board, seeing none he opened up for question from the audience. Seeing none, he asked the board for further discussion. Seeing none he called for a roll call vote: Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Nelson-aye, Elenkiwich-aye, Kleinjan-aye, Nichols-aye, Robbins-aye. 9-ayes,0-nays. Motion carried.

Chair Robbins read **agenda item # 3: Items to be added to agenda by commission members or staff. b.) Announcement of Nominating Committee.** Chair Robbins stated, "In January we will need to elect the Chairman and Vice Chairman for the board. Kimberly Elenkiwich and Darrell

Nelson will be serving as the nomination committee and will be reaching out to the board to get a slate for officers for next year.”

Chair Robbins then read **agenda item # 10: Department Reports**. Robert Hill expressed a Thank You on behalf of the Brookings County Commission to the board members for serving over the past year. Mr. Hill then discussed dates when the Comprehensive Plan could be finalized. He then asked Luke Muller from First District, to discuss more on the Comprehensive Plan review. Mr. Muller reminded the board to continue to review the Comprehensive Plan draft and get any edits to the County Development office staff before December 15<sup>th</sup>, 2015 so that they could get him the information and he could make the revisions. Dates for the prospective public hearing regarding the comprehensive plan were discussed with the date of Tuesday, January 26<sup>th</sup>, 2015 at 6:00 PM being selected at this time. Richard Haugen reminded the board that a special meeting would take place on Tuesday, December 15<sup>th</sup>, 2015 at 1:00 PM. The meeting will be for the re-adoption of the current Zoning Ordinance.

Chair Robbins adjourned the meeting at 8:32 PM.

Rae Lynn Maher  
Brookings County  
Development Department.