

2016var003 – April 5th, 2016

Prepared by Richard Haugen

Applicant/Owner: Chad Schultz, 20177 463rd Ave, Bruce, SD 57220

Legal Description: “N528’ of S1,596’ of E420’ of SE1/4 Sec. 33 T112N, R51W (Preston Township)”

2016var003: Chad Schultz has applied for a front yard variance to build a 60’ long x 30’ wide hoop barn, 88 feet from the center of 463rd Ave (Preston Township road). A variance of 45 feet. The required setback distance is 133 feet from the center of the road.

Brookings County Zoning Ordinance, Article 11:00 “A” Agricultural District – Area Regulations - # 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 current residence is 165.5 feet from the center of the road and the out building to the north of the house is 133 feet from the center of the road. Both meet the setback requirement.

The proposed site for the hoop barn is fairly level. The land to the south and west of the residence and two out buildings drops off significantly to the west. From the west edge of the propose hoop barn to the evergreen trees west of the house a distance of approximately 115 feet there is a 7 feet drop in elevation from east to west; to the west property line the elevation is 19 feet lower than the proposed site. There is a telephone line and a water line located between the house and other out buildings as noted on the site plan. He has existing livestock pens to the west and north of his existing out buildings that also go into the shelterbelt, limiting his building location. The applicant has spoken with the township on the proposed building location and has a letter from the township stating they have no objection to the request. The parcel was subdivided off in September of 1995.

Hardship: The hardship to consider 1) is the lay of the land and 2) location of existing buildings and livestock pens.

The Board of Adjustment has granted similar variances in the past:

April 7th, 2015: 2015var003: residence with garage 48 feet from the center of the road.

September 3rd, 2013: 2013var014: residence 83 feet from center of road.

November 5th, 2013: 2013var020: shed 80 feet from the center of

April 3, 2012: 2012var005: residence 54 feet from ROW of SD Hwy 30.

June 2nd, 2009: 2009var010 – shed 116 feet from center of a county road & 112 feet from center of a township road.

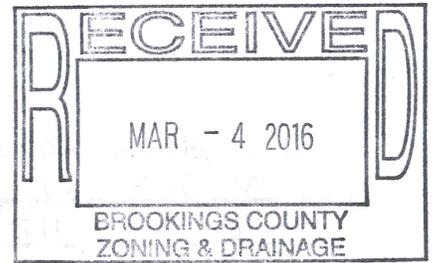
Public notices were published in the Brooking Register on March 22nd and 29, 2016 and Volga Tribune on March 24th and 31st. 2015

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

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

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

APPLICATION FOR VARIANCE
TO
ZONING REGULATIONS



Date of Application: 3-4-2016

Variance Number: 201604R003

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:

36' x 60' hoop building

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

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.

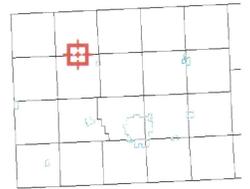
C.) Special conditions and circumstances that exist which are peculiar to the land, structure, or buildings in the same district: that literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms 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 slope of the land allows for land erosion. The South West corner of the property is 19'0" below the height of the South east corner of the proposed hoop building. The water needs time to slow before ending up in the neighbors field otherwise could create land erosion. If required to move building back anywhere will only increase the possibility for more erosion problems.

2016 var 003



Overview



Legend

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

Parcel ID	179801125133400	Alternate ID	n/a	Owner Address	SHULTZ, CHAD ET UX
Sec/Twp/Rng	33-112-51	Class	NACS		20177 463RD AVE
Property Address	20177 463RD AVE BRUCE	Acreage	n/a		BRUCE SD 57220
District	1705				
Brief Tax Description	N 528' OF S 1596' OF E 420' OF SE 1/4 SEC 33-112-51 5.09 AC (Note: Not to be used on legal documents)				

Date created: 3/4/2016
Last Data Uploaded: 2/18/2014 4:02:57 AM

Township board members,

Chad and Bobbi Shultz would like to build a 36' x 60' hoop building that will be a maximum height of 20'0". We would like your approval to get a variance to set this building on the south side of our property that will still maintain a 88' from the center of the road.

Name:

Date:

<u>Keith James</u>	<u>3-1-16</u>
<u>David Linneman</u>	<u>3-1-16</u>
<u>Kentley</u>	<u>3-1-16</u>
<u>Randy Loomis</u>	<u>3-1-16</u>
<u>Mike Moe</u>	<u>3-1-16</u>



Looking south from driveway
Red stakes mark bldg. width

2016var003: Chad Shultz



West of proposed site looking east



Southside of pproposed site looking
north. White stakes mark bldg. width

