

2016var005 – April 5th, 2016

Prepared by Richard Haugen

Applicant/Owner: Greg Pearson, 784 E Lake Hendricks Dr, Hendricks, MN 56136

Site: Across the road to the south from Mr. Pearson's residence on Lake Hendricks.

Legal Description: "Lot 1 in Block 1 of Pearson-Overby Addition an addition in Govt. Lot 4 of Sec. 22 T112N, R47W (Lake Hendricks Township)"

2016var005: Greg Pearson has applied for a non-lake front variance to reverse the non-lake front, rear and side setbacks to build an accessory building on. The accessory building will meet the Lake Park zoning accessory building size requirements. His preliminary plat was approved at the March 1st, 2016 meeting. The final plat "Block 1; Lots 1-5 in Block 1 and Block 2 of Pearson-Overby Addition and Addition in Government Lot 4 of Section 22, T112N-R47W of the 5th P.M., Brookings County, South Dakota" is on the April 5th, 2016 meeting agenda and will be heard before the variance request.

Brookings County Zoning Ordinance, Article 13:00 Lake/Park District: Section 13.01 "LP" Lake-Park District: Density, Area and Yard Regulations (Non-Lake Front); Front Yard – 50 feet; Rear Yard – 50 feet; Side Yard – 8 feet.

Definition of "Rear Yard" from the Zoning Ordinance: **Article 2.00 Definitions: Section 2.93. Yard, Rear Any yard extending across the rear of a lot measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or bearing wall or any projections other than steps, un-enclosed porches, or un-enclosed balconies. On corner lots the rear yard may be to the rear of either street, provided that the minimum rear yard depth requirement shall be calculated on the longest average lot dimension. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.** In this case according to our definition – "the longest average lot dimension" for Lot 1 would be along the east side – Haffner Boulevard making it the front yard. The lot line between Lot 1 and Lot 2 is the rear lot line and the lot line between Lot 1 and Lot 5 is the side lot line. He is asking to make the lot line between Lot 1 and Lot 2 the side setback of 8' and the lot line between Lot 1 and Lot 5 the rear setback of 50 feet. Mr. Pearson has the his proposed setbacks outlined in "GREEN" on his site plan, along with the current Zoning Ordinance setback requirement outlined in "RED".

The board discussed when the preliminary plat was being discussed at the March 1st, 2016 meeting: 1) that the applicant may apply for a variance on the proposed lots due to the size of the buildable foot print area left after the setbacks and 2) the board discussed updating the Lake Park Zoning Ordinance in the future so a variance may not be needed. The couple of questions you will have to ask yourselves are: 1) Is this variance request circumventing the current lake park zoning ordinances and 2) is the request a reflection of how the ordinance

should be updated in future? The board has not had a variance request like this so there is no history of the board decisions.

Hardship: The hardship to consider is shape of the lot.

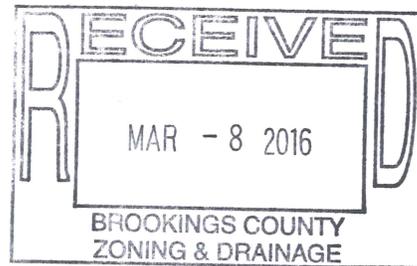
Public notices were published in the Brooking Register on March 22nd and 29, 2016; Lake Hendricks Pioneer on March 23rd and 30th, 2016.

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

Granting the variance request would allow the applicant a use that no one else has been granted and could set a precedence.

Denying the variance request would be maintaining the Lake Park Zoning Ordinance Non-Lake Front Setback requirements.

APPLICATION FOR VARIANCE
TO
ZONING REGULATIONS



Date of Application: 3-8-2016

Variance Number: 2016 VAR 905

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:

Constructing an accessory building closer to the lot line than allowed by ordinance, would like the rear yard set back be to the south and the side yard set back be to the west. Would also like a 35' front yard set back so I don't need such a long driveway.

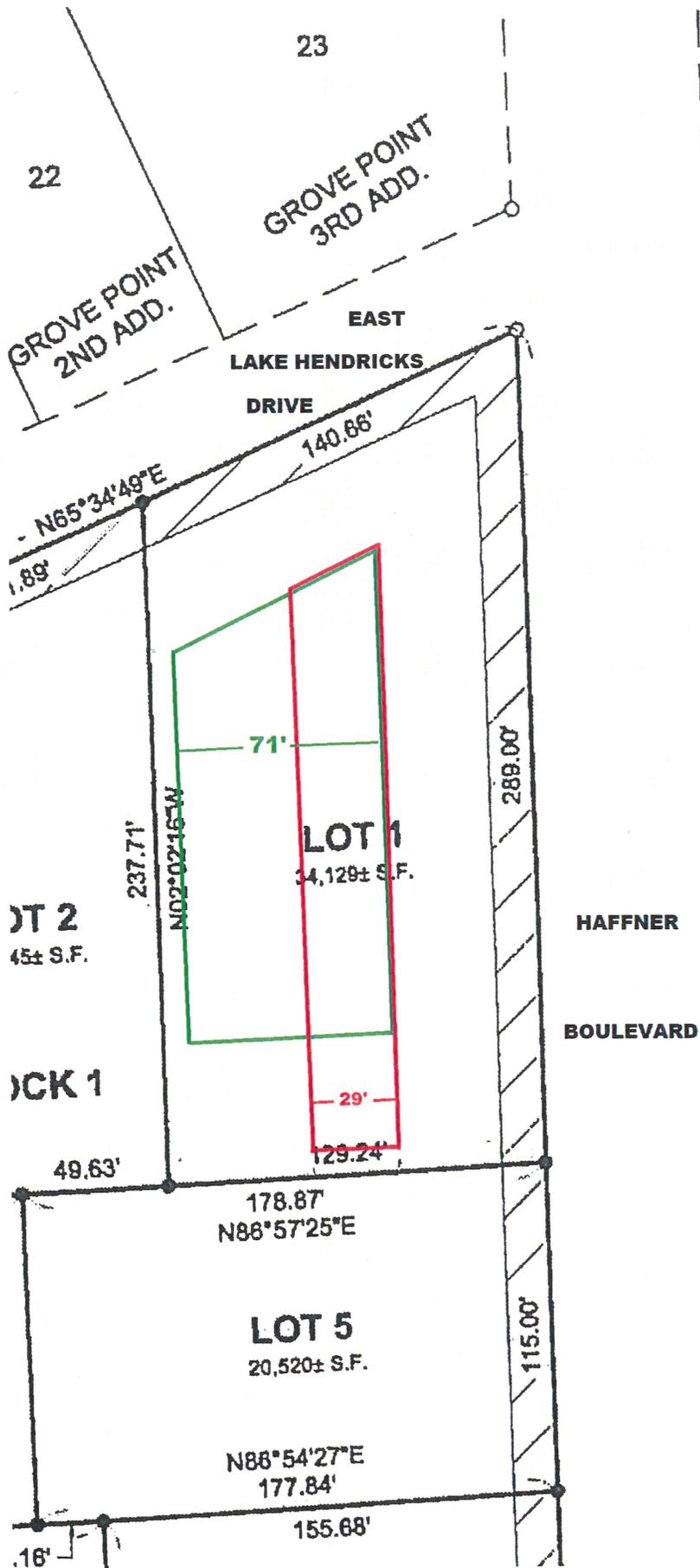
B.) Section(s) of Zoning Regulations to be exempted:

Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Non-Lake Front).

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 definition of a side & rear yard that the County has makes a large corner lot hard to build on. The 50' front yard set back makes the driveway around 75' long.

2016 var 005



-  BUILDABLE AREA UNDER LAKE PARK DISTRICT REGULATIONS (16% OF TOTAL AREA)
-  BUILDABLE AREA UNDER COMMONLY RECOGNIZED YARD DEFINITIONS FOR CORNER LOTS (31% OF TOTAL AREA)

2016 VARIOUS



Overview



Legend

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

Parcel ID	091401124722300	Alternate ID	n/a	Owner Address	ALL SEASONS STORAGE LLC
Sec/Twp/Rng	22-112-47	Class	NAC		784 E LAKE HENRICKS DR
Property Address		Acreage	n/a		HENRICKS MN 56136
District	0910A - LAKE HENRICKS ROAD DIST				
Brief Tax Description	GATES ADDITION IN GOVT LOT 4 SEC 22-112-47 7.40 ACRES				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 3/24/2016
 Last Data Uploaded: 2/18/2014 4:02:57 AM

 Developed by
 The Schneider Corporation

PLAT OF
BLOCK 1; LOTS 1-5 IN BLOCK 1; AND BLOCK 2 OF PEARSON-OVERBY ADDITION
AN ADDITION IN GOVERNMENT LOT 4 OF SECTION 22-T112N-R47W
OF THE 5TH P.M., BROOKINGS COUNTY, SOUTH DAKOTA

VACATION NOTICE:

THIS PLAT SHALL VACATE THE PLAT OF TRACT 1 OF GATES ADDITION, AN ADDITION IN GOVERNMENT LOT 4 OF SECTION 22-T112N-R47W OF THE 5TH P.M., BROOKINGS COUNTY, SOUTH DAKOTA FILED IN BOOK 24 OF PLATS ON PAGE 34 THEREIN.



LEGEND

- MONUMENT FOUND
- MONUMENT SET THIS SURVEY (5/8" REBAR WITH STAMPED PLASTIC CAP #11307)



PREPARED BY:
BANNER ASSOCIATES, INC.
409 22nd AVE. S.
BROOKINGS, SD 57006
(605) 692-6342
FEBRUARY 2016

