

2016var009 – May 3rd, 2016

Prepared by Richard Haugen

Applicant/Owner: Michael Stern, 46898 197th St, Bruce, SD 57220

Legal Description: “E1700’ Exc W1400’ of E1700’ of S670’ of S1/2 SE1/4 of Sec. 4, T112N, R50W (Eureka Township)”

2016var009: Michael Stern has applied for a front yard variance to build a 32’ wide x 40’ long shop, 116 feet from the center of 197th St (Brookings County gravel road) and 112 feet from the center of 469th Ave (Eureka Township road). 197th St and 469th Ave have a 33 feet Right of Way (ROW). A variance distance of 17 feet on 197th St and 21 feet on 469th Ave. His existing shed and residence meet the setback requirements. He would like to build his new shop where an existing old out building is located. The proposed new building would be the same distance from the road as the existing building. Mr. Stern’s building site is long and narrow. There is a telephone line located between the north side of the driveway and his house, limiting his building options.

The Brookings County Board of Adjustment did grant this same variance request on June 2nd 2009, 2009var010, he did not use it within 3 years, so he is now reapplying.

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.

Hardship: The hardship to consider 1) is the shape and size of lot, 2) location of existing telephone line.

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

April 5th, 2016: 2016var005: hoop barn 88 feet from the center of a township road.

June 24th, 2013: 2013var013: shed 110 feet from the center of a township road.

November 5th, 2013: 2013var020: shed 80 feet from the center of a township road.

April 3rd, 2012: 2012var006: garage 112 feet from the center of a county road

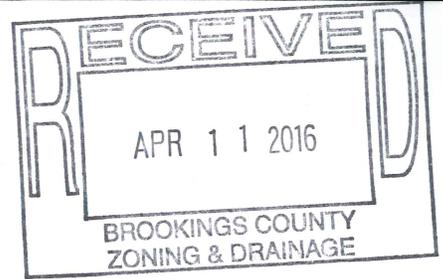
Public notices were published in the Brookings Register on April 19th and 26th, 2016 and Volga Tribune on April 21st and 28th, 2016.

Letters were sent to the adjoining landowner’s, Eureka 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: 10 April 2016

Variance Number: 2016var009

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:

I request a Variance to tear down an existing building (old House), and Construct a new shop on the existing site; NO farther south or east than current foundation; which sits 116'± E from County Rd 40 (19757) and 112'± E from an maintained @ Eureka township Rd 469 Ave. The proposed dimensions will be 40' (N-S) by 32' (E-W)

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

Article 11: Section 11:01- "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.

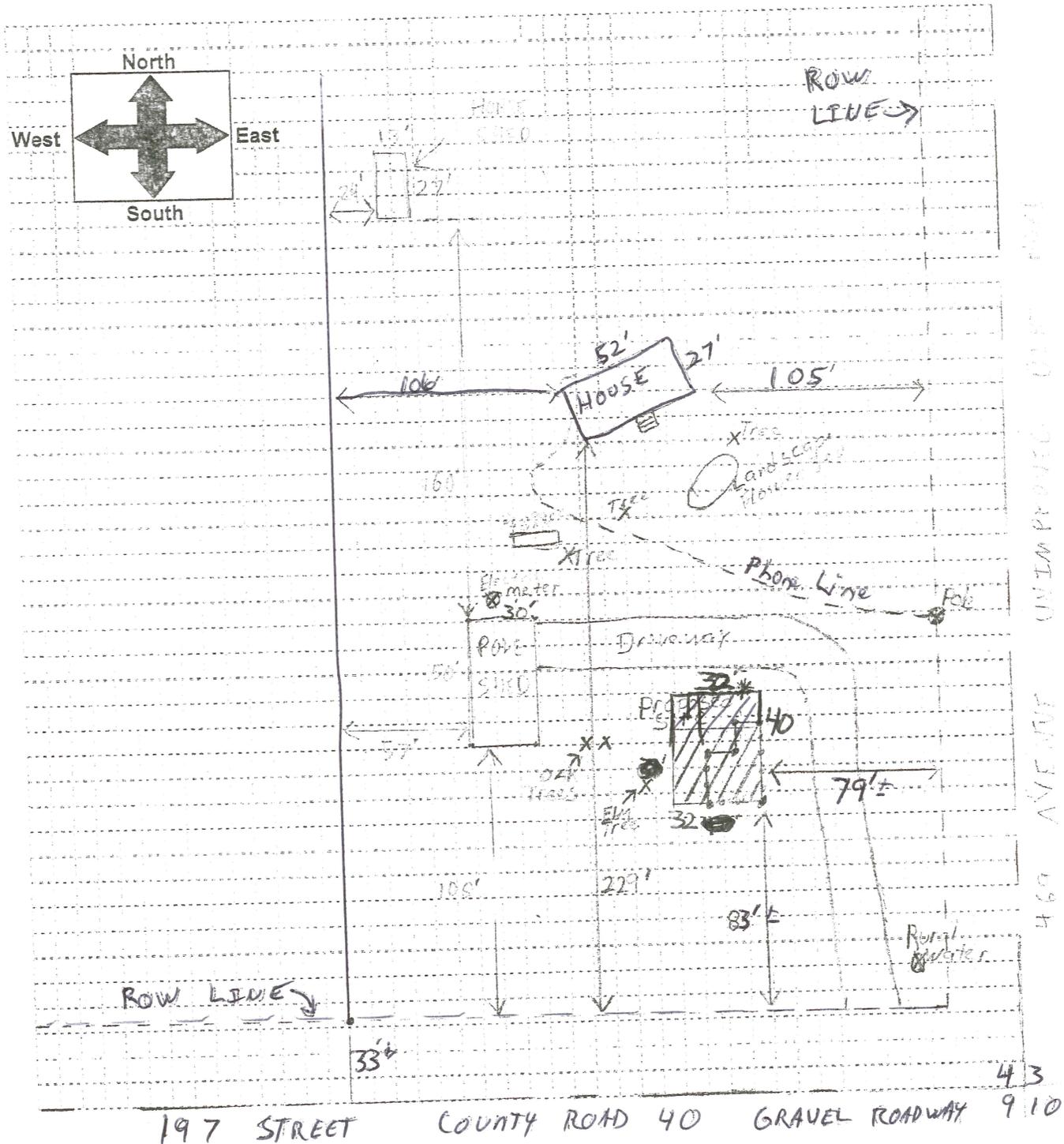
+ C.) Special conditions and circumstances that exist which are peculiar to the land, structure, or buildings in the same district: that literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms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

If the proposed building was erected the required 150' from the centerline of Co Rd 40, the building would stand on top of our current driveway and utility lines, forcing us to lay new lines at considerable expense. Moving the proposed building 133' from the centerline of 469 Ave would create excessive congestion and ground the pole barn and yard and would require removal of several mature trees.

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.

2016 var 009

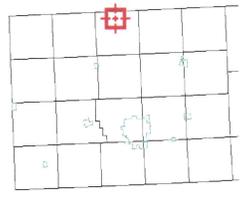


* Shaded Area is proposed shop site
 - Dot outlined Area is existing old House

2016 var 009 + 2016 cu009



Overview



Legend

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

Parcel ID	089801125004410	Alternate ID	n/a	Owner Address	STERN, MICHAEL ET UX
Sec/Twp/Rng	4-112-50	Class	AGC		46898 197TH ST
Property Address	46898 197TH ST BRUCE	Acreage	29.99		BRUCE SD 57220
District	0808				
Brief Tax Description	E 1700' EXC W 1400' OF E 1700' OF S 670' OF S 1/2 SE 1/4 SEC 4-112-50 29.99 AC <i>(Note: Not to be used on legal documents)</i>				

Date created: 4/14/2016



2016var009 & 2016cu009: Michael Stern



South edge of building



North end of building



West end of building