

# 2016var010 – June 7<sup>th</sup>, 2016

Prepared by Richard Haugen

Applicant/Owner: Myron Pomrenke, 20297 481<sup>st</sup> Ave, White, SD 57276

Legal Description: "Tract about 1.35 acres in SE1/4 SE1/4 Section 4, T111N, R48W (Sherman Township)"

2016var010: Myron Pomrenke has applied for a front yard variance to build a 28' wide x 40' feet long detached garage 56 feet from the center of 481<sup>st</sup> Ave (Sherman Township road). A variance of 77 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.

Mr. Pomerke's residence is located on an old school lot, which is an allowed use in the 2016 Brookings County Comprehensive Plan, page 45, "Exception to large lot residential development"; Brookings County Zoning Ordinance, Article 4.00 Nonconforming uses or Lots of record, Section 4.08, page 4.00-2 and South Dakota Codified Law 11-2-26: "Continuance of nonconforming uses permitted--Discontinuance. Any lawful use, lot, or occupancy of land or premises existing at the time of the adoption of the zoning ordinance may be continued, even though the use, lot, or occupation does not conform to the provisions of the ordinance. However, if the nonconforming use, lot, or occupancy is discontinued for a period of more than one year, any subsequent use, lot, or occupancy of the land or premises shall conform with the zoning ordinance", allows for this use.

The land was deeded to Sherman Township, School District 103 on January 4<sup>th</sup>, 1933. Mr. Pomrenke was granted a variance for his existing house and garage on by the Brookings County Planning and Zoning Commission October 4<sup>th</sup>, 1994. His attached garage is 75 feet from the center of 481<sup>st</sup> Ave. The size of his lot is 170 feet east & west and 305 feet north and south. The old school is buried in the northwest portion of his lot with some of the existing foundation exposed yet, also there is an old well located there also. If he were to build the proposed garage at the setback distance of 133 feet from the center of 481<sup>st</sup> Ave, he would not meet the rear setback of 50 feet and would not be able to access his existing other outbuildings.

Hardship: The hardships to consider: 1) shape and size of lot, 2) location of old well; 3) location of buried school and exposed foundation.

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

April 5<sup>th</sup>, 2016: 2016var003: hoop barn 88 feet from the center of a township road.

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

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

June 2<sup>nd</sup>, 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 May 24<sup>th</sup> and 31<sup>st</sup>, 2016 and White Tri-City Star on May 26<sup>th</sup> and June 2<sup>nd</sup>, 2016.

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

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

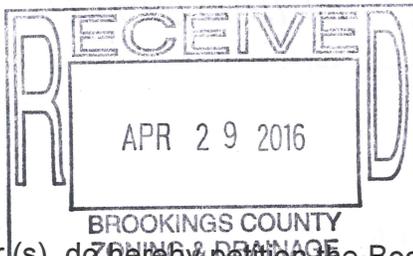
Denying the variance request would be maintaining the Agricultural Zoning Ordinance Setback requirements.

APPLICATION FOR VARIANCE  
TO  
ZONING REGULATIONS

Date of Application: 4-24-16

Variance Number: 2016 Var 010

To: Brookings County Board of Adjustment  
520 3<sup>rd</sup> 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:

TO BUILD A SHED

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 front yard shall be one hundred (100) feet. A corner lot will have two front yards.

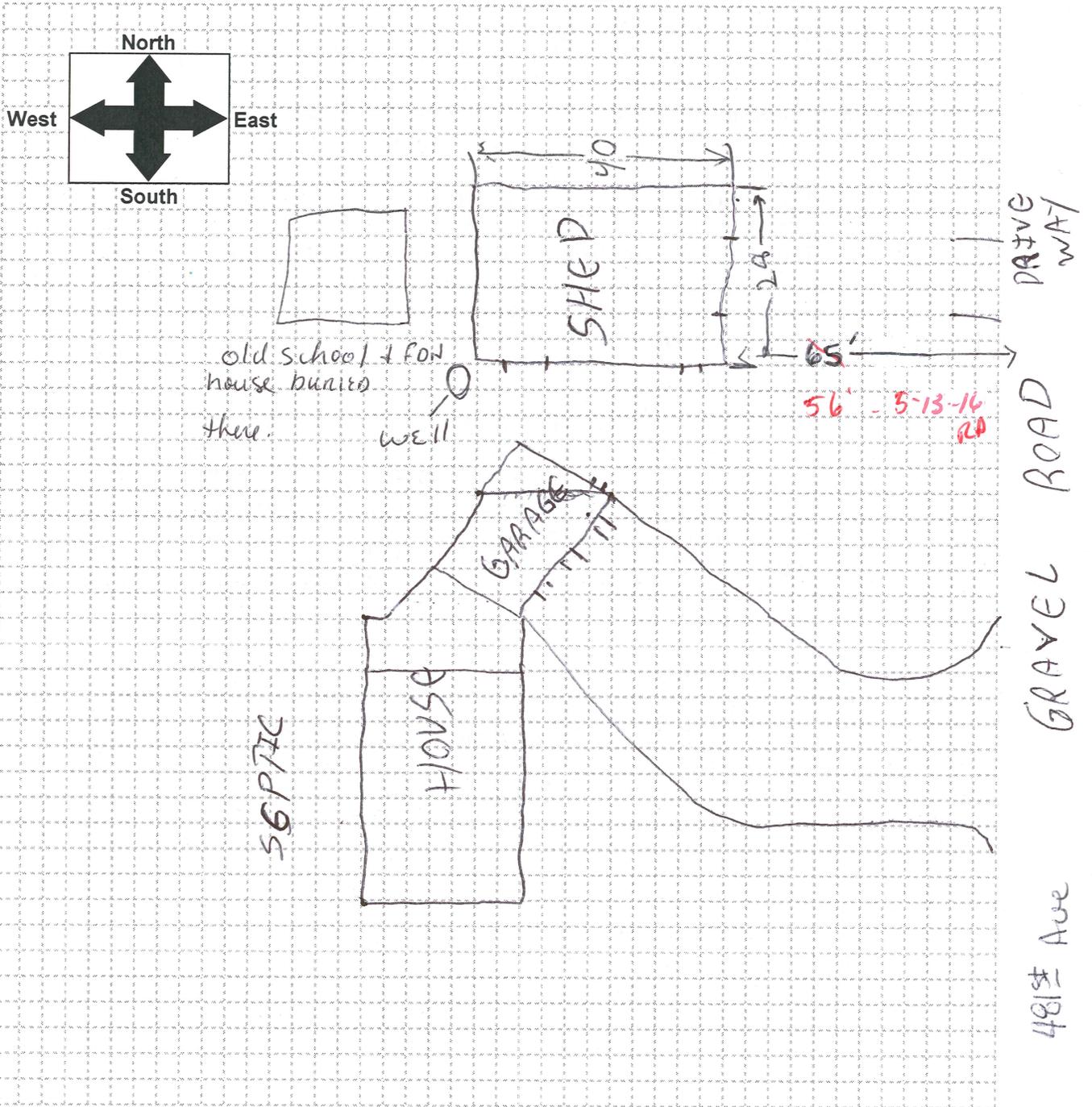
C.) Special conditions and circumstances that exist which are peculiar to the land, structure, or buildings in the same district: that literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms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

TO SMALL OF A LOT, NOT A LOT OF ROOM  
WELL LOCATED NORTH OF GARAGE. OLD SCHOOL FOUNDATION  
BURIED NORTH OF HOUSE.

# 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 010



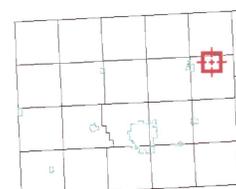
SD Hwy 30

HIGHWAY

2016 Var 010



Overview



Legend

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

Parcel ID	199801114804400	Alternate ID	n/a	Owner Address	POMRENKE, MYRON ET UX
Sec/Twp/Rng	4-111-48	Class	NACS		20297 481ST AVE
Property Address	20297 481ST AVE	Acreage	n/a		WHITE SD 57276
	WHITE				
District	1910				
Brief Tax Description	TRACT ABOUT 1.35 AC SE 1/4 SE 1/4 SEC 4-111-48 1.35 AC				
	(Note: Not to be used on legal documents)				

Date created: 4/4/2016



Front of garage-56' from Center of the 481st Ave



133' setback is at the orange wheel



133' setback

Old school foundation