BROOKINGS COUNTY DEVELOPMENT
Planning, Zoning and Drainage / Emergency Management
Brookings City & County Government Center
520 3rd Street, Suite 200
Brookings, SD 57006
(605) 696-8350
E-Mail: zoning@brookingscountysd.gov

Brookings County Board of Adjustment
July 7, 2020 – 8:00 PM meeting

2020var008 – July 7, 2020

Prepared by Richard Haugen

Applicant: Amanda Blok, 5025 18th St, Brookings, SD 57006
Land Owner: First Bank and Trust, PO Box 5057, Brookings, SD 57006

Legal Description: "S480' of W474 of SW1/4 of Section 2, T110N, R49W (Aurora Township)" *~~ located at 47606 209th St, Aurora, SD 57002.*

Article 11.00: Section 11.01 "A" Agricultural District: Area Regulations # 1: Lot Size.

2020var008: Amanda Blok, has a purchase agreement with the landowner subject to the approval of the variance request. The applicant has applied for a variance to build 21 feet outside the permitted buildable area of an historical school site. The site was the original Fountain School built in 1879, 1 square acre site (209' x 209'), located in the south west corner of Section 2 of Aurora Township. The Brookings County Planning Commission confirmed it was an original 1 acre square school site and a permitted use for a single family residence at their November 7, 2017 meeting. The original school 1 acre parcel was sold in 1920 to the adjoining landowner who owned the rest of the southwest quarter. The land was sold several times over the years, hog confinement barns, grain storage and farm buildings were built in the southwest corner. 5.66 acres was split off in 2002 to include the historical school site, hog barns, grain bins and farm buildings. The hog barns were removed from the property and the lot was used for feeding cattle and grain storage.

Some things to consider:

1) The 21' variance would allow the expansion of the minimum lot area that was granted by the board on November 7, 2017 for the original size of the lot.

2) The proposed variance the residence will to exceed the setback requirements of 133 feet on the township road (476th Ave) and 150 feet in the county road (209th St).
3) What is the best use of the remaining 4.66 acres of land; 1) a residence or ag use (grain storage, livestock production).

Public notices were published in the Brookings Register on June 23 and 30, 2020 and the White Tri-City Star on June 25 and July 2, 2020.

Letters were sent to the adjoining landowner's, Aurora Township Chairman and Clerk, Brookings County Highway Department.

RECEIVED

JUN - 9 2020

BROOKINGS
COUNTY DEVELOPMENT

APPLICATION FOR VARIANCE
TO
ZONING REGULATIONS

Date of Application: JUNE 9. 2020 Variance Number: 2020VAR008

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:

A GREATER DISTANCE FROM THE COUNTY ROAD AND THE TOWNSHIP ROAD FOR THE OPPORTUNITY TO CREATE MORE LANDSCAPING AND THEREFOR ALLOW A LARGER BUILDING SPACE.

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

BUILDING AREA
Article 11.00:
Section 11.01 "A" Ag District: Area Regulation #1: Lot Size.

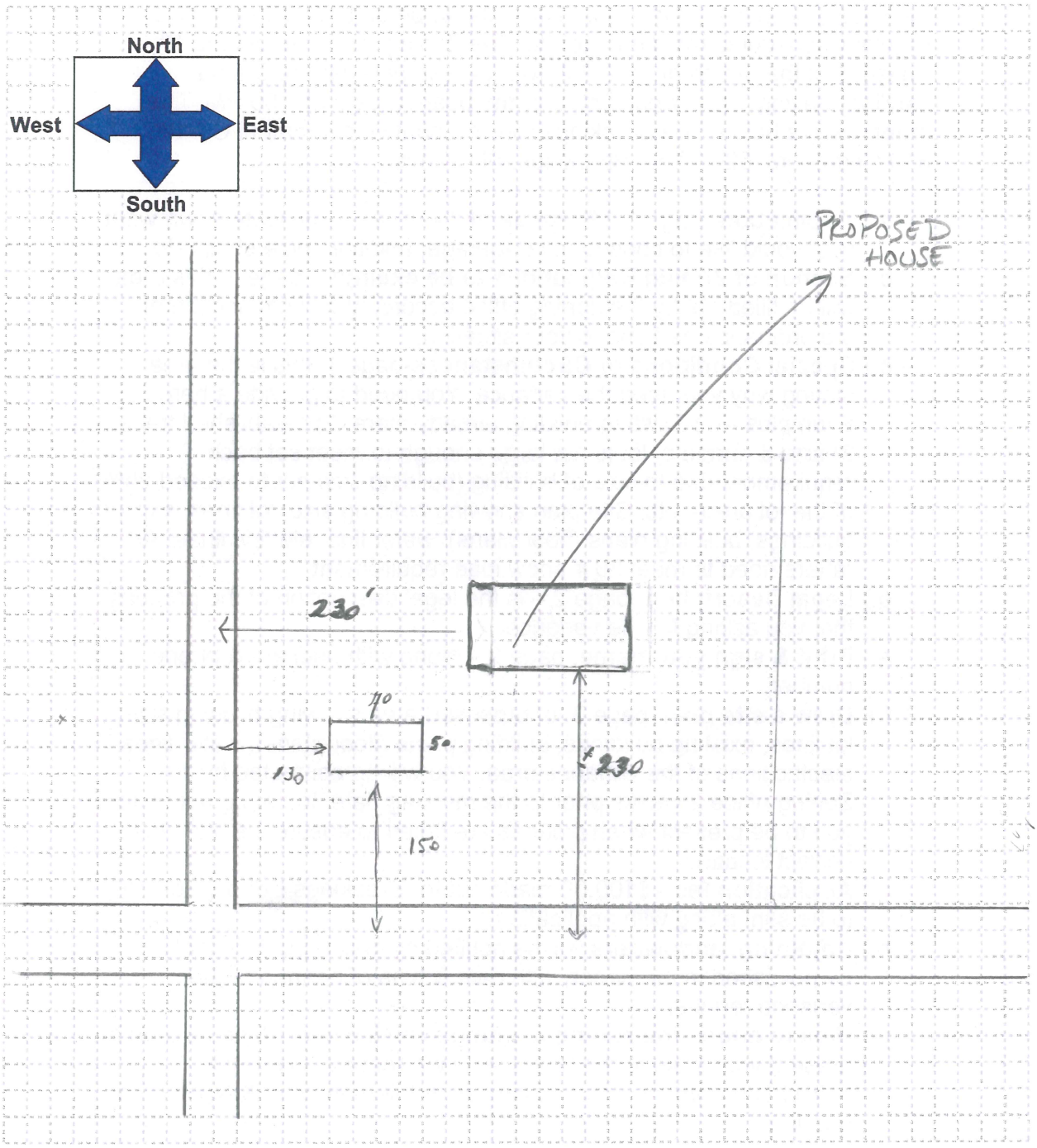
C.) Special conditions and circumstances that exist which are peculiar to the land, structure, or buildings in the same district: that literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms 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 CURRENT BUILDABLE LOT IS CLOSE TO THE ROAD, WOULD LIKE TO BUILD FARTHER FROM THE ROAD

2020 VAR 008

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.



none. Chair Robbins clarified that the area would be going from Agricultural to Commercial/Industrial for a permitted use and called for a roll-call vote: Davis-aye, Nelson-aye, Kleinjan-aye, Erickson-aye, Spence-aye, Jensen-aye, Rochel-aye, Pierce-aye, Robbins-aye. 9-ayes, 0-nays, motion carried. Haugen noted this would move on to the County Commission with a recommendation for final approval.

Chair Robbins read **agenda item # 8: Selection of 1 board member for the Joint Jurisdiction Ordinance Review Committee.** Chair Robbins asked Mr. Hill for his comments. Mr. Hill made the recommendation that Darrell Nelson be appointed to the committee. Chair Robbins appointed Mr. Nelson to the committee. Darrell Nelson accepted.

Chair Robbins read **agenda item # 9: Discussion on 2005cu019 conditional use.** Chair Robbins asked Mr. Hill for his input. Mr. Hill stated, "It was listed on the agenda that had been posted online strictly as 2005cu019 Conditional Use, we did not add anything else to it. Commissioner/County Commissioner Pierce brought it to our attention that she thinks it was not noticed properly and she would like to see it postponed until the next meeting. I would entertain a motion to table it as I presume that would be the proper thing to do, since we did notice that we would be discussing it. If a planning board member so moves to table it until next time we would be more than happy to redo it and put the proper terminology on the agenda." Board member Pierce noted the reason for the request was because the agenda did not say what the conditional use request was related to and citizens had contacted her asking if the item was on the agenda and she had told them it was not. Mr. Hill noted the item had been posted on the online agenda and that a report was ready but the report would be held until next meeting if the item was tabled. Lee Ann Pierce moved to table until the December 5th, 2017 meeting. Robert Rochel second. Chair Robbins called for a voice vote. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item # 10: Discussion on old school site in SW1/4 of Section 2, T110N, R49W (Aurora Township).** Mr. Haugen stated, "This is regarding an old school site where at one time the Fountain School and a hog confinement unit had been located. The current owner was in this spring inquiring if this was a buildable site. Mr. Hill and I had discussed this and we always went with the last location of where the actual school building/site had been, so we had told them no it was not a buildable site for a residence. The owner hired an attorney that did further research and found in 1879 in this quarter there was a dwelling house, school house and a blacksmith shop. The location was deeded to the school in 1880, a dot noting the school location showed up on 1909 homestead map. A deed dated 1920 deeded from Fountain School to Mr. J.H. Lievan a 1 (one) square acre parcel in the south west corner. Also in 1920 Mr. J.H. Lievan deeded 3 (three) acres in the SE1/4 section 3 the current and last known location of the Fountain School (this location being across the road from the 1 (one) acre site in question). I am asking for your interpretation if this is a buildable site." Mr. Haugen presented deeds referencing the area in question that were filed/dated February 11, 1879, August 3, 1880, and January 19, 1921. The board discussed and decided where there was proof of a deed of record of a school that it be a buildable

site. Site would be a 1 acre by 1 acre site/lot in the south west corner of the SW 1/4, SW1/4 of Section 2, T110N, R49W.

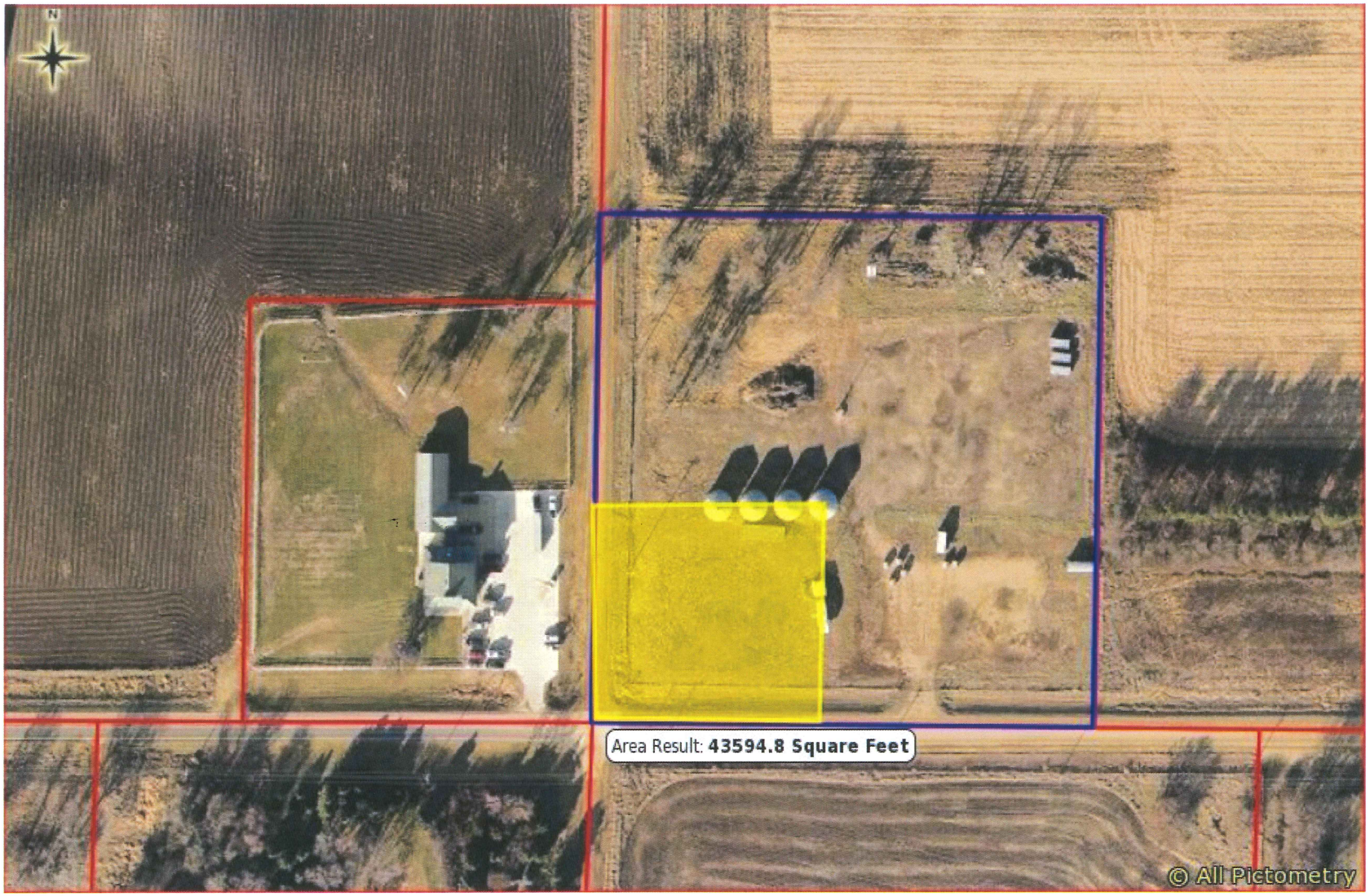
Chair Robbins read **agenda item # 11: Discussion on a used manufactured home as a secondary residence.** Mr. Haugen noted: 1) an applicant had been in the office inquiring about applying for a conditional use for a manufactured home for a family member and the office advised the applicant of the application process. 2) A few days later a transfer notice was received and the applicant came into the office to get a building permit. 3) The office found out manufactured home had been moved onto the site and was a 1973 Liberty Manufactured Home. 4) Current Zoning Ordinance states that anything manufactured before June, 15, 1976 is not allowed in the county. 4) Research was done and wiring for the HUD regulations was the biggest factor found. Board discussed and Chair Robbins summarized by stating, "The board is willing to hear the request for the conditional use and put the stipulations on if there is concerns through the finding of facts on the requirements of the building for safety." Chair Robbins then directed the staff to proceed under the conditions stated.

Chair Robbins read **agenda item # 12: Discussion on Valero Renewables land application of corn and corn processing by products.** Mr. Haugen stated, "Valero had a question regarding disposal, when they clean out their bins or have a load of distillers grain that doesn't meet the new USDA standards and cannot be sold or fed, they need a way to dispose of it. They would like to be able to spread the product onto the land that they own. The product is not hazardous, it is safe and it is biodegradable, it just does not meet standards." The board discussed and consensus was to allow Valero Renewables to proceed with disposing of the non-hazardous material on their own land.

Chair Robbins read **agenda item # 13: Consideration of Plats: a. 2017plat012: "Plat of Lots 7A and 8A Reaves Subdivision of Govt. Lot 4, Section 5, T112N, R52W of the 5th P.M., Brookings County, South Dakota."** Darrell Nelson moved to approve the plat. Randy Jensen second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Wayne Noem owner of Lots 6 & 7 and Wade Jensen owner of Lot 8 have re-platted their lots for a property line adjustment. They are taking the jog out of the property line between them and making it straight. This allows the Jensen's on Lot 8 to have a wider drive to access their property. The lots were originally platted and recorded on December 30, 1970." Mr. Haugen then used visuals to further describe the plat. Chair Robbins opened up for discussion from the board. Board discussed the current location of buildings, plat adjustment to the current property line and location of a current building being located to close to property lines and the lot being a non-conforming. Chair Robbins then opened up for discussion for the audience, hearing none he asked the board for further questions or comments, hearing none he called for a roll call vote: Nelson-nay, Kleinjan-aye, Erickson-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye, Davis-aye, Robbins-aye. 8-ayes, 1-nay, motion carried.

Chair Robbins read **agenda item b: 2017plat013: "Plat of South Dakota Soybean Processor's Tracts of 3A & 3B in the NW1/4 of Section 24, T110N, R51W of the 5th P.M., Brookings County, South Dakota."** Lee Ann Pierce

1 acre buildable - former school site

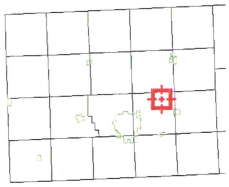


11/24/2019

2020 VAR008

Beacon™ Brookings County, SD

Overview



Legend

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

Zoning Districts

- Commercial/Indus
- Lake/Park District
- Natural Resource District
- Parcels
- Roads

Parcel ID	049801104902300	**Alternate ID**	n/a	**Owner Address**	FIRST BANK & TRUST
Sec/Twp/Rng	2-110-49	**Class**	NAC		PO BOX 5057
Property Address	47606 209TH ST	**Acreage**	n/a		BROOKINGS SD 57006
	AURORA				
District	0401				
Brief Tax Description	S 480' OF W 474' OF SW1/4 SW1/4 2-110-49 5.22 ACRES				
	(Note: Not to be used on legal documents)				

Date created: 6/8/2020
Last Data Uploaded: 6/8/2020 8:09:01 AM

Developed by Schneider GEOSPATIAL

2020var008: Amanda Blok

Lookings northeast from intersection of 476th Ave and 209th St. (Brkgs Cnty # 46)

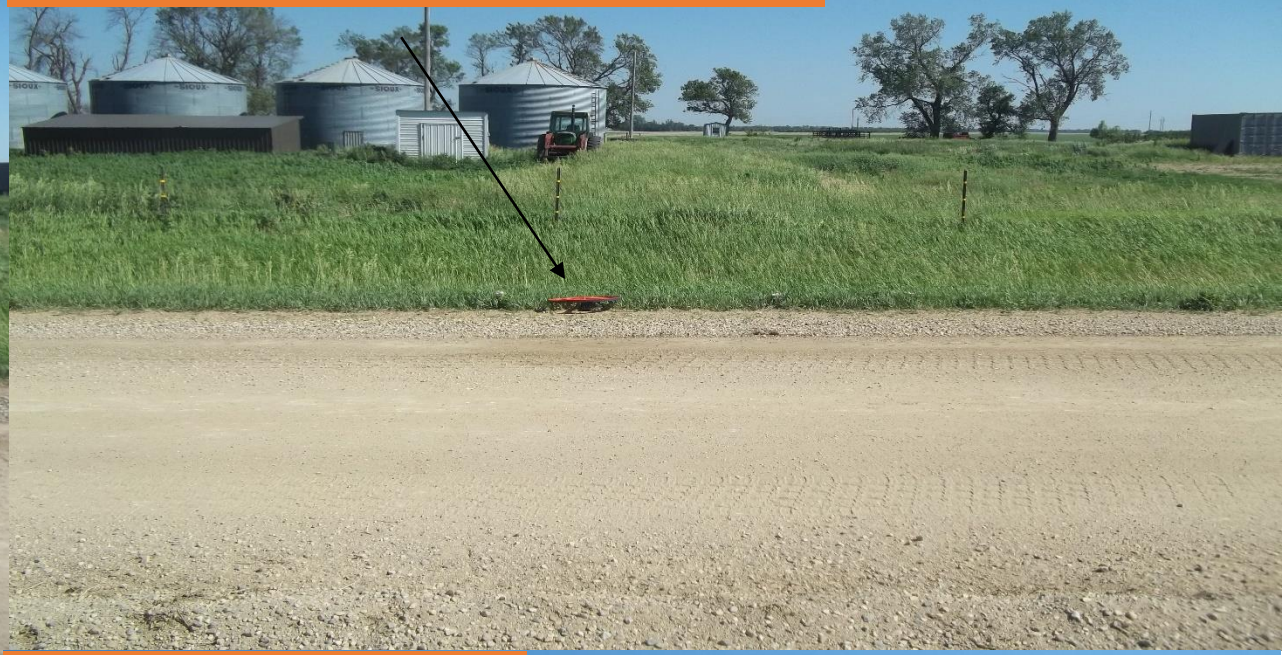
Looking north along 476th Ave from intersection of 209th St. (Brkgs Cnty # 46)

Looking east along 209th St. (Brkgs Cnty # 46) from intersection of 476th Ave.

Looking north towards bin site from 209th St. (Brkgs Cnty # 46)

Wheel at 209’ from center of 476th Ave. East boundary line for 1 acre.

Wheel at 230’ from center of 476th Ave.



Looking north from driveway on 209th St. (Brkgs Cnty # 46).

Looking north east from driveway on 209th St. (Brkgs Cnty # 46).

Wheel at 209’ from center of 209th St (Brkgs Cnty gravel road # 46). North boundary line for 1 acre.

Wheel at 230’ from center of 209th St. (Brkgs Cnty gravel road # 46)

Looking northeast from north of grain bins.

Looking east at north property line.