

BROOKINGS COUNTY DEVELOPMENT

Planning, Zoning and Drainage / Emergency Management

Brookings City & County Government Center

520 3rd Street, Suite 200

BROOKINGS, SOUTH DAKOTA 57006

(605)-696-8350

E-Mail: zoning@brookingscountysd.gov

Brookings County Board of Adjustment

August 4, 2020 – 8:00 PM meeting

2020var009 – August 4, 2020

Prepared by Richard Haugen

Applicant/Owner: Ray Konz, 909 S. Parkview Blvd, Brandon, SD 57005

Site Address: 720 S Lake Hendricks Drive, Hendricks, MN 56136

Legal Description: “Lot 7 Point Clara Addition in SW ¼ of Section 22, T112N, R47W (Lake Hendricks Township)”.

Brookings County Zoning Ordinance: Article IV District Requirements: Chapter 4.03 “LP” Lake-Park District: Section 4.03.03. Density, Area and Yard Regulation (Side yard).

2020var009: Ray Konz, has applied for a variance to move in a used 24' x 36' garage with a 9' sidewall, 6 feet from the side property line, a variance of 2 foot. The required setback is 8 feet from the side property line. The proposed garage will be attached to the southeast corner of his house. The applicant's septic system is located in the front of his house, preventing him from moving the garage farther to the west to meet the 8 feet setback requirement. The applicant has also applied for a conditional use 2020cu016 to move in a used building.

Things to consider are the location of septic system and other utilities. Point Clara Addition was platted on April 2, 1975.

The “Brookings County Comprehensive - Plan Future Land Use-Developed Lakes Future Land Use” found on page 58 –*In paragraph two: “It is likely that the established developed areas of Lake Campbell, Lake Hendricks, Lake Tetonkaha, and Lake Poinsett will experience continued development in varying degrees. While non-lake front growth potential exists for all of the able lakes; significant lake front area is appropriately zoned, and subdivided in some cases, adjacent to Lake Tetonkaha, Lake Hendricks, and Lake Campbell.”*

Letters were sent to the adjoining landowners and Lake Hendricks Township Chairman and Clerk.

The public notices were published in the Brookings Register on July 21 and 28, 2020 and Hendricks Pioneer on July 22 and 29, 2020.

2020var009

Staff Report

August 4, 2020

RECEIVED

APPLICATION FOR VARIANCE
TO
ZONING REGULATIONS

JUL 7 2020

BROOKINGS
COUNTY DEVELOPMENT

Date of Application: July 7, 2020

Variance Number: 2020 var 009

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:

Moving a 24'x36' Frame Car Garage from Dave Axelser's lot located at 719 S. Lake Handbreds Ar. to my lot located at 720 S. Lake Handbreds Ar.

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

Article IV District Requirements; Chapter 4.03 "LP" Lake-Park District; Section 4.03.03 Density, Area, and Yard Regulation (minimum Side Yard)

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.

Because of the location of our cabin I am requesting a ^{two} ~~one~~ foot variance on the east side of my lot. This would allow me to move the garage currently located on my neighbours lot without having to move our septic system line. I have visited with David & Lisa Axelser and they have no problem with the variance. Even with the ^{two} ~~one~~ foot variance, the foundation of the garage will be within ^{two} ~~one~~ foot of the underground septic line coming out of the cabin. I really have no other place to put a garage. I am also applying for a conditional use & build permit.

8/7/2012

Page 1 of 3

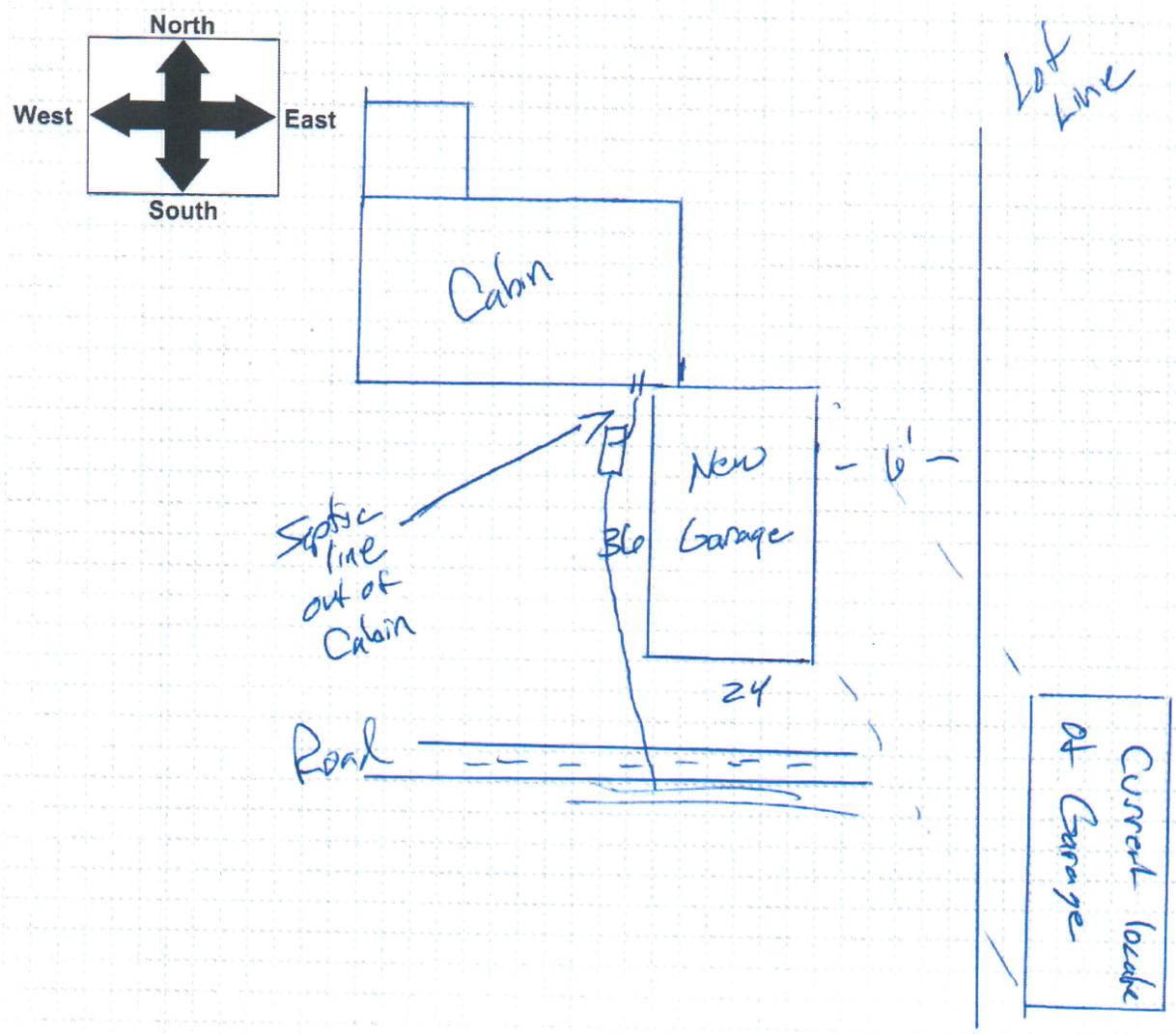
Thank you for your consideration.
D... v

20204016 + 2020VAR 009

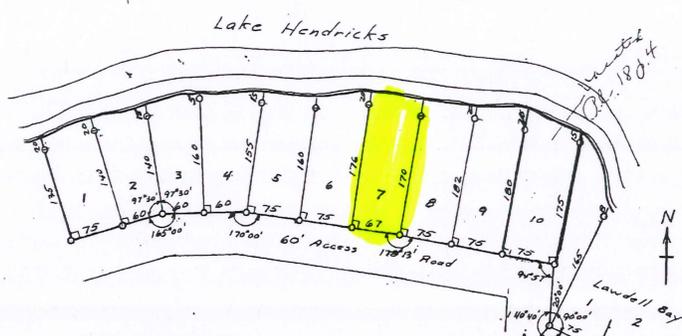
SKETCH

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.

Lake



Brookings Addition
 Government Lot 3 of Section 22,
 T 112 N, R 47 W of the 5th P.M.
 Brookings County South Dakota
 Scale 1" = 100' November 17, 1975



SURVEYOR'S CERTIFICATE

State of South Dakota) ss
 County of Brookings)

This is to certify that I, Emory E. Johnson, a registered land surveyor in the State of South Dakota, did on and before November 17, 1975, at the request of Reuben Haffner, the owner, make a survey and plat a tract of land described as a part of Government Lot 3, Section 22, T 112 N, R 47 W of the 5th P.M. in Brookings County, South Dakota. The land so surveyed and platted being that shown on the accompanying plat as ~~Lot 7~~ Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. This plat correctly shows the results of this survey.

Emory E. Johnson
 Emory E. Johnson
 Registered Land Surveyor

State of South Dakota) ss
 County of Brookings)

On this the 19th day of November, 1975, before me, L. J. Larson, the undersigned officer, personally appeared Emory E. Johnson, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.
L. J. Larson
 Notary Public

My commission expires February 10, 1977.

OWNER'S CERTIFICATE

State of South Dakota) ss
 County of Brookings)

This is to certify that we, Reuben L. Haffner and Rose A. Haffner, are the owners of a tract of land described as Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. in Brookings County, South Dakota, and referred to in the accompanying Surveyor's Certificate, and that it is free of any encumbrance. We further certify that we requested Emory E. Johnson, a registered land surveyor, to survey and plat a part of this land and we hereby approve this survey and plat.

The portion so platted shall hereafter be designated as ~~Lot 7~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. as is shown on this plat.

Reuben L. Haffner
Rose A. Haffner
 Owners

State of South Dakota) ss
 County of Brookings)

On this 20th day of November, 1975, before me, *Arthur Krasicki*, the undersigned officer, personally appeared Reuben L. Haffner and Rose A. Haffner, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purpose therein contained.

Arthur Krasicki
 Notary Public

My commission expires Sept 27, 1981.

RESOLUTION BY BOARD OF COUNTY COMMISSIONERS

It was moved by *Arthur Nielsen*, and seconded by *James Peterson*, and motion carried, that the plat as shown hereon and as described on the accompanying plat and certificate of ~~Emory E. Johnson~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. be approved and accepted and the County Auditor is hereby instructed to endorse on such plat a copy of this resolution and to certify the same.

I, *Anna Schuttz*, County Auditor of Brookings County, hereby certify that the accompanying plat was approved and accepted by the Board of County Commissioners at its meeting of December 3, 1975.

Anna Schuttz
 County Auditor

TREASURER'S CERTIFICATE

State of South Dakota) ss
 County of Brookings)

I, *Samuel Hanna*, Treasurer of Brookings County, South Dakota hereby certify that all the taxes which are liens upon any of the property included in the accompanying plat of ~~Emory E. Johnson~~ Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. have been paid according to the records in the Treasurer's Office.

Dated at Brookings, South Dakota this 12 day of Dec, 1975.

Samuel Hanna
 County Treasurer

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, *Edward Miller*, Director of Equalization, hereby certify that I have received a copy of the accompanying plat of Point Clara Addition in Government Lot 3 of Section 22, T 112 N, R 47 W of the 5th P.M. according to the laws of the State of South Dakota.

Edward Miller
 Director of Equalization

OFFICE OF REGISTER OF DEEDS

50018

Filed for record this 2nd day of April, 1976, A.D. at 3:30 P.M. and recorded in Book of Plats 11 on page 39 therein.

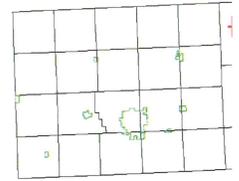
By *Anna C. Stearns*
 Register of Deeds

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 white

2020 cu 01b + 2020 var 009



Overview



Legend

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

Parcel ID	092751124722360	Alternate ID	n/a	Owner Address	KONZ, RAYMOND ET AL
Sec/Twp/Rng	22-112-47	Class	NAC		909 PARKVIEW BLVD
Property Address	720 S LAKE HENDRICKS DR HENDRICKS	Acreage	n/a		BRANDON SD 57005
District	0910A				
Brief Tax Description	POINT CLARA ADDN, LOT 7 IN SW 1/4 OF SEC 22-112-47, 67' X 173'				
	(Note: Not to be used on legal documents)				

Date created: 6/23/2020
 Last Data Uploaded: 6/23/2020 8:07:21 AM

Developed by Schneider
 GEOSPATIAL

Used 24' x 36' x 9' garage to be moved to his property. The garage is currently at his adjoining neighbor.



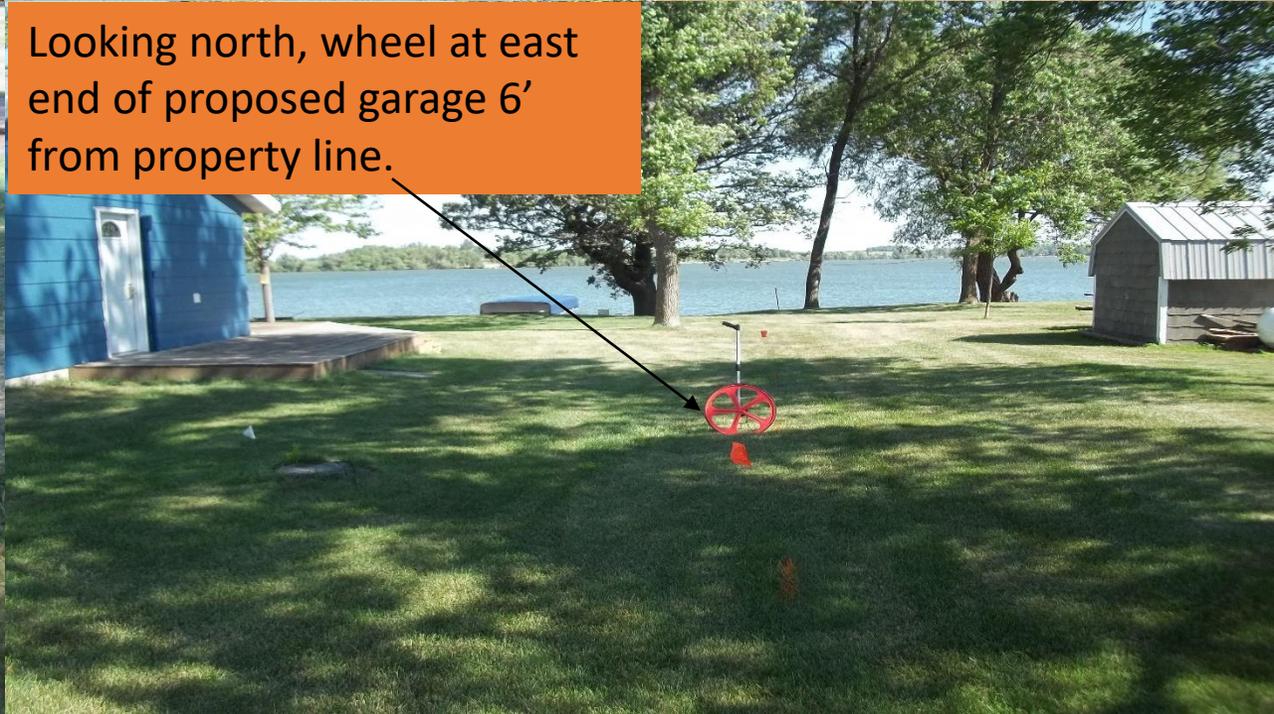
Looking north towards proposed garage location



Raymond Konz- 2020cu016 & 2020var009



Wheel at southeast corner of house and west edge of proposed attached garage, 2' from septic line oin



Looking north, wheel at east end of proposed garage 6' from property line.

Looking west, wheel at east end of proposed garage.



Looking west, wheel at south end of proposed garage,



Looking north, wheel at 36' from house and 6' from property line.



Looking north towards applicant's house and proposed moved in garage.

