

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
September 1, 2020– 8:00 PM meeting

2020var016 – September 1, 2020

Prepared by Richard Haugen

Applicant/Owner: Martin J. Comes, 45548 163rd St, Watertown, SD 57201
Site: 122 S Lake Dr, Arlington, SD 57212

Legal Description: “Lots 43, 44A, 45, 45A, 45B of the First Addition of Lake Poinsett Heights Subdivision in Lot 2, Section 5, T112N, R52W (Laketon Township)” ~~ located at 218 S Lake Dr, Arlington, SD 57212.

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

2020var016: Marty Comes has applied for a variance to build a residence with an attached garage 15 feet from the highest known water mark on a lake front lot and 15 feet from the rear property line on a non-lake front lot. A variance of 60 feet from the highest known water mark and a variance of 10 feet from the rear property line on the non-lake front lot. The lake side setback is 75 feet from the highest known watermark and the rear setback for a non-lake front lot is 25 feet from the property line. The west part of the shoreline jogs in where the setback is 15 feet, farther to the east the main portion of the proposed house the setback will be 23 feet from the highest known water mark. This variance request is unique in that two of the lots are lake front lots and the adjoining rear lot is a non-lake front lot. The proposed house will exceed the side setback of 8 feet and meet the 25 feet road setback on both the lake front and non-lake front lot. The applicant has added fill to raise up lot and stabilized the shoreline. Part of the property is located in the floodplain and the applicant will need to follow the building requirements for building in the floodplain.

Things to consider: 1) Marvin Wade Subdivision was platted on May 24th, 1949;
2) Shape and size of lot; 3) Non-lake front lot adjoining the lake front lots.

2020var016
Staff Report
September 1, 2020

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, Laketon Township Chairman and Clerk and Brookings County Highway Department.

Public notices were published in the Brookings Register on August 18 and 25, 2020 and the Arlington Sun on August 20 and 27, 2020.

APPLICATION FOR VARIANCE
TO
ZONING REGULATIONS

AUG 1 1 2020

BROOKINGS
COUNTY DEVELOPMENT

Date of Application: AUGUST 11, 2020

Variance Number: 2620VAR 016

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:

BUILDING A CABIN WITH ATTACHED GARAGE.

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 Rear Yard + 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.

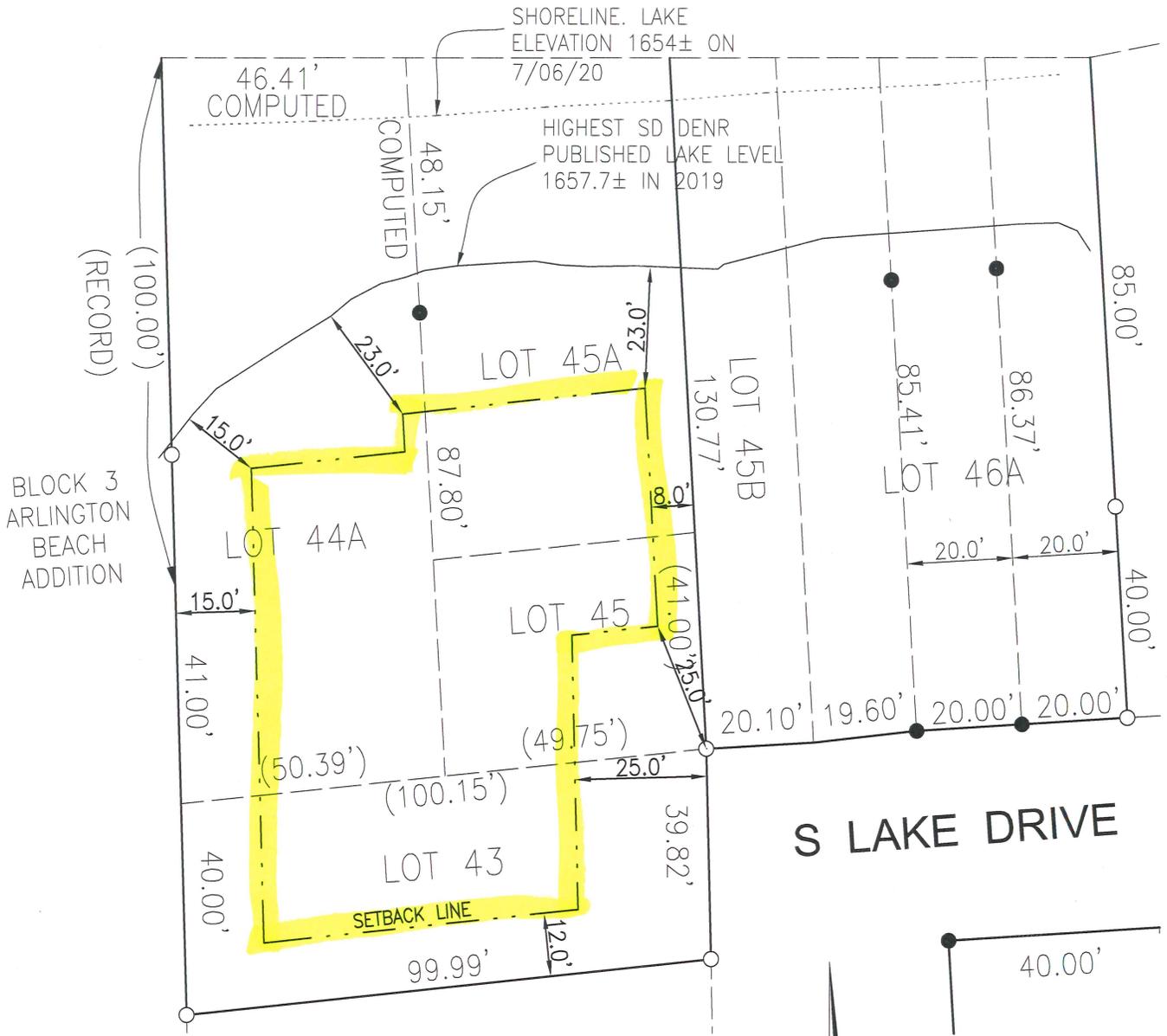
VARIANCE 1: MINIMUM LAKE FRONT SET BACK IS NOT ACHIEVABLE
DUE TO DEPTH OF LOT. REQUESTING SET BACK OF 20 FEET FROM
HIGHEST KNOWN WATER MARK (1659). CONCRETE PATIO 12 FEET
IN FRONT OF BUILDING STRUCTURE. (LOT 44A & 45A).

VARIANCE 2: TO KEEP SIDE OF STRUCTURE STRAIGHT, REQUESTING
12' FROM REAR LOT LINE. (LOT 43).

2020 UAR 016

SETBACK PLAN

LAKE POINSETT



BLOCK 3
ARLINGTON
BEACH
ADDITION

(100.00')
(RECORD)

Prepared For:
Marty Comes
45548 163rd St
Watertown, SD 57201



NOTES:
OHWM = 1652.4

Lake elevations are
NAVD 88

Lots 43, 44A, 45 & 45A of the First Addition of
Lake Poinsett Heights Subdivision in Lot 2,
Section 5, T112N, R52W of the 5th P.M.,
Brookings County, South Dakota

SKA Schmitz, Kalda & Associates, Inc.

Drawn By: gla
Project No. 20062
CAD: See Right Edge

Prepared By:
SCHMITZ, KALDA & ASSOC., INC.
320 N. Main Avenue
Sioux Falls, SD 57104
(605) 332-8241 phone
(605) 332-0116 fax

August 24, 2020
Drawing: 2020 Misc Surveys\Lake Poinsett Hgts Lot 44A (Comes)

2020 VAR 016

August 13, 2020

Lake Poinsett: Variance Request Notes

Variance #1 - (Lots 44A, 45, 45A, 45B):

- The closest wall of the front of building structure is approximately 15 feet from the highest known water mark with most of the front structure is over 23 feet.
- Front of building structure is approximately lined up with other newer structures to the east.
- ABR cabins are significantly forward of this structure.

Variance #2 - (Lot 43):

- The unique situation of building one structure crossing over five (5) different small lots (43, 44A, 45, 45A, 45B) with the orientation of the back lot causes the setbacks to be different along the respective sides.
- Building structure is planned to single story in the variance requested area.
- Privacy fence will be built (planned to be approximately eight (8) feet high) on the west and south property lines.
- The closest distance from ABR Boat House to the privacy fence is approximately 30 feet.
- The closest distance from ABR Boat House to the planned building structure is approximately 45 feet.
- Especially given the privacy fence is in place, the approval of the variance has very little or no effect on adjacent landowners.

Lake Poinsett Sanitation District Sewer Line Easement - (Lot 43):

- Met with the Board on August 8, 2020 to discuss situation and options.
- Investigating putting an oversized casing next to the current sewer line when footings are being dug in the area under the structure.
- Will secure a permit for a septic tank.

Kingbrook Rural Water Line Easement - (Lot 43):

- Met with representative on August 13, 2020 on site.
- Concluded that there is no line that runs across the property. One runs to the east edge under the road area.
- No concerns of building in the planned area.

Marty Comes
(605) 880-8339

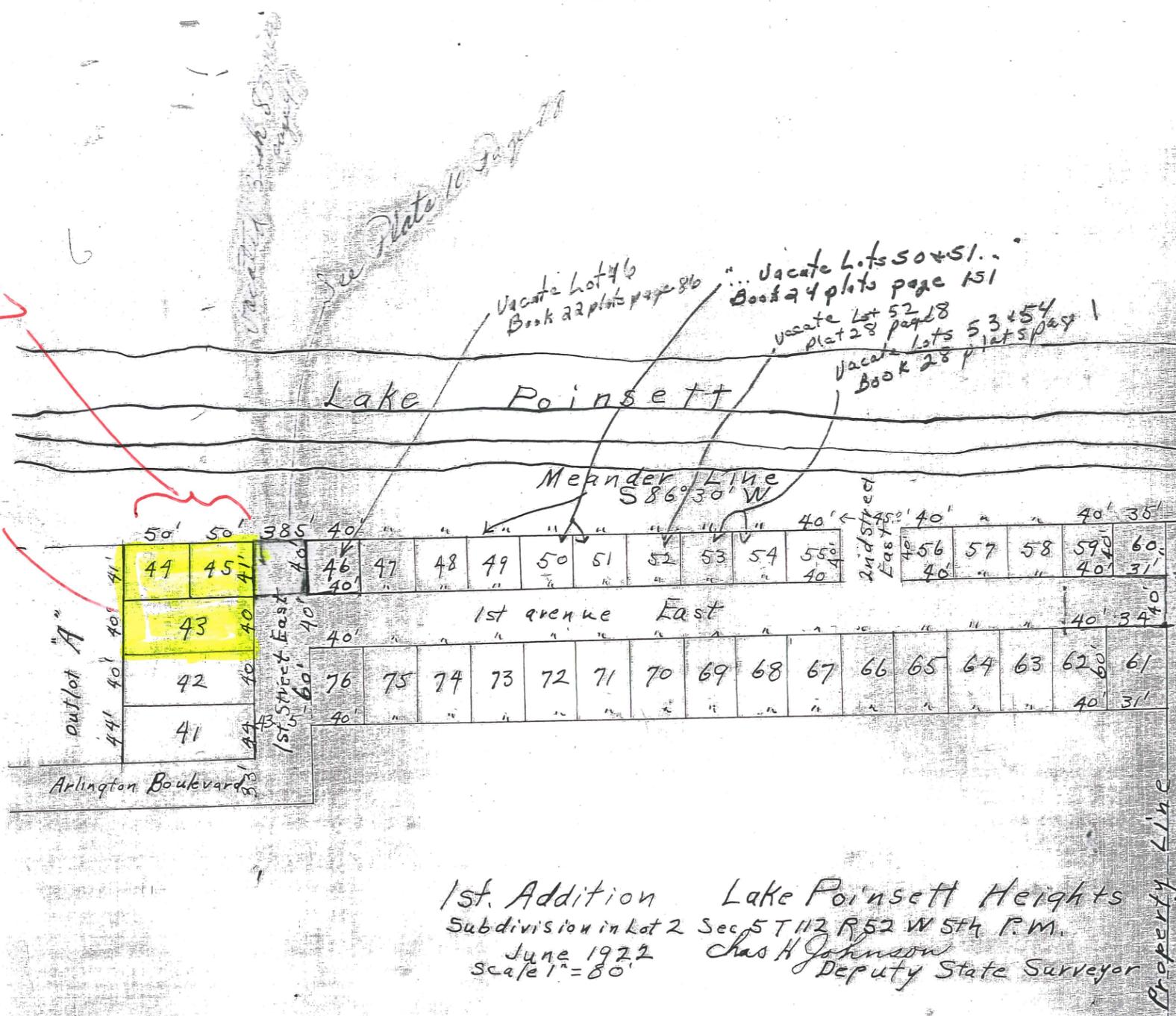
2020 MAR 016



2020 VAR 016

plat

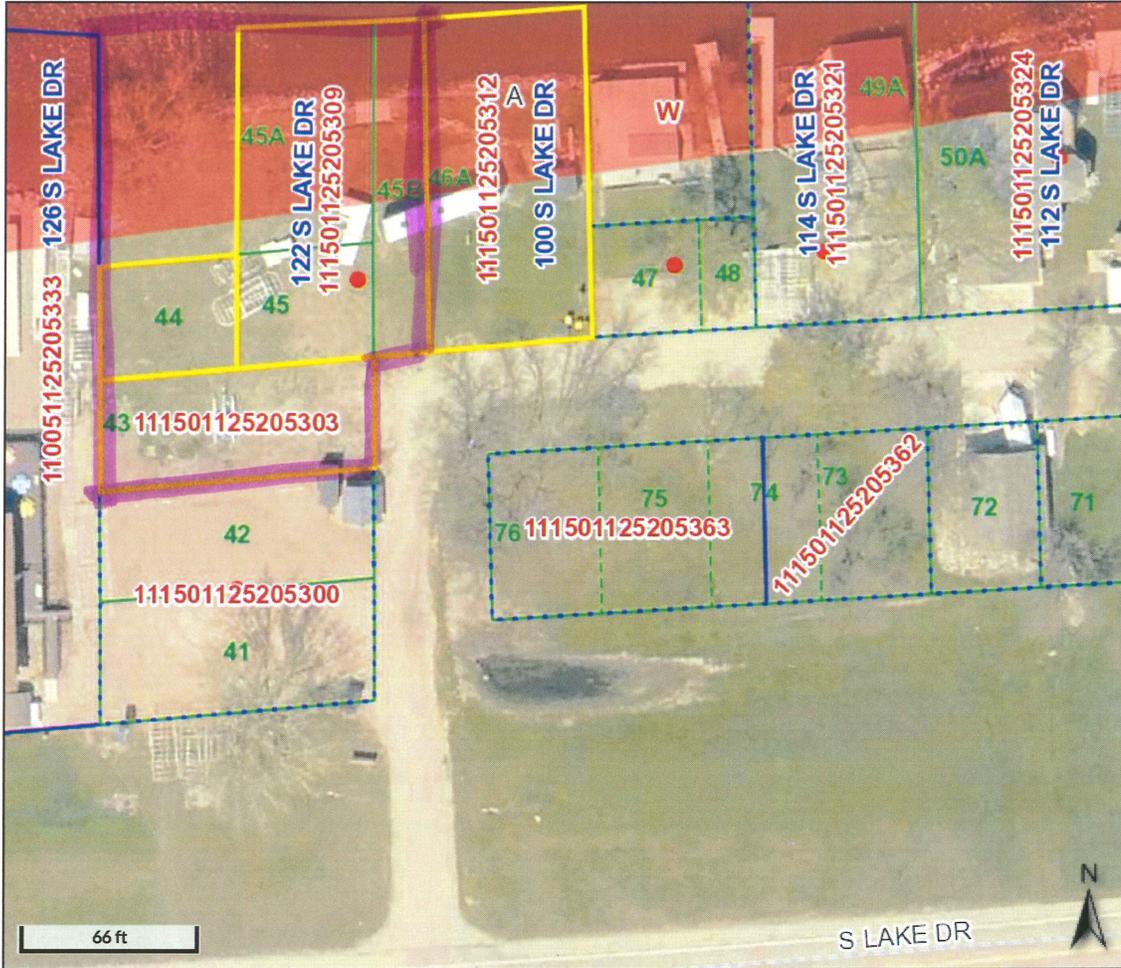
Non Lake Front Lots
Lake Front Lots



Resolution No. 90-36
vacation of the
easterly 71 feet of
1st Ave. East....
Books 156 Misso
page 204-205

1st Addition Lake Poinsett Heights
Subdivision in Lot 2 Sec 5 T112 R52 W5th P.M.
June 1922 Chas H. Johnson
scale 1" = 80' Deputy State Surveyor

2020VAR016 Floodplain 2008



Overview



Legend

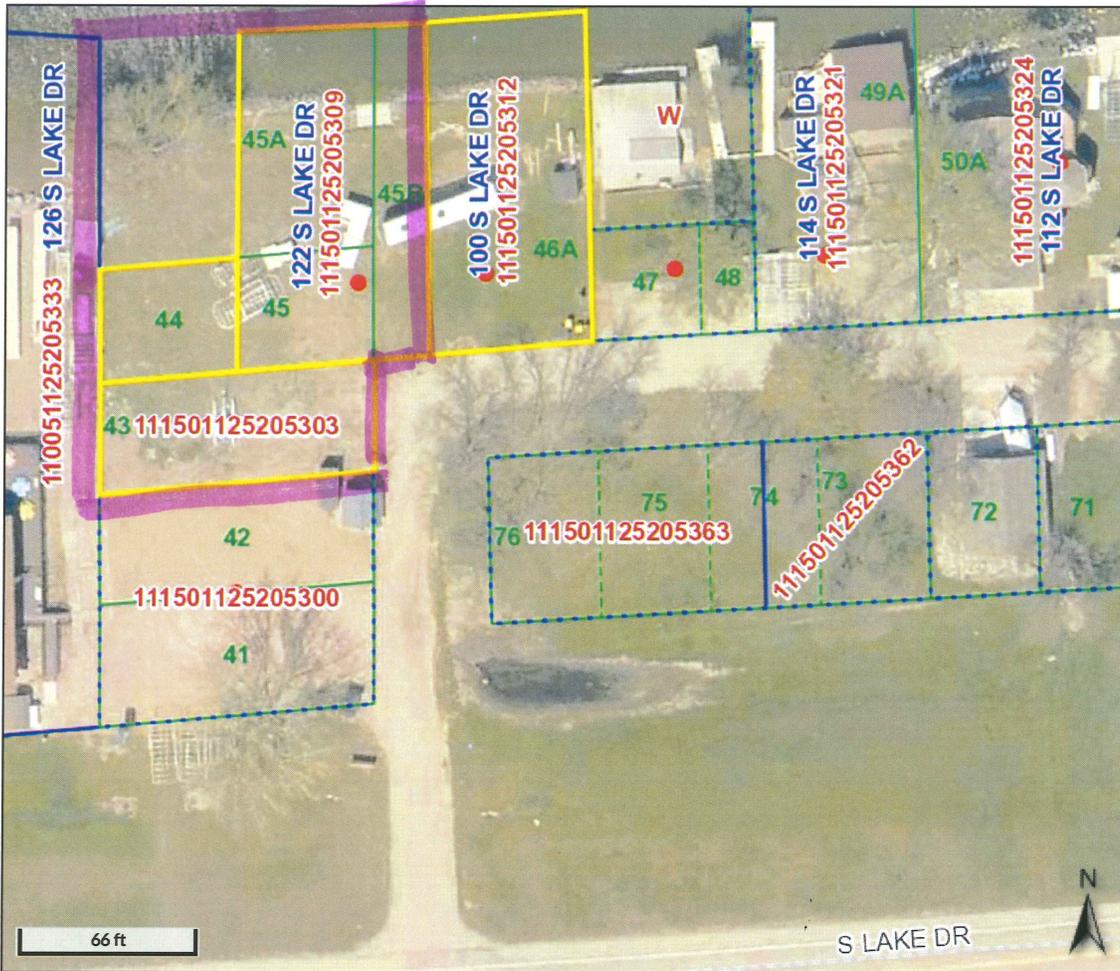
- Address Layer
- Brookings City Limits
- City Limits
- Township Boundar
- Sections
- Lots
- Parcels
- Roads
- Floodplain 2008**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- X

Parcel ID	111501125205306	Alternate ID	n/a	Owner Address	COMES, MARTIN J ET UX
Sec/Twp/Rng	5-112-52	Class	NAC		45548 163RD ST
Property Address		Acreage	n/a		WATERTOWN SD 57201
District	110919				
Brief Tax Description	LAKE POINSETT HTS 1ST ADD SW 1/4 SEC 5-112-52 LOT 44 50' X 41'				
	(Note: Not to be used on legal documents)				

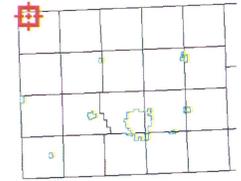
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Developed by Schneider GEOSPATIAL

2020 VAR 016



Overview



Legend

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

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Developed by Schneider
 GEOSPATIAL

Looking northwest from road.
Wheel at northeast corner of
non-lake front lot.



Looking west from non-lake
front lot. Wheel at northeast
corner of lot.



2020var016: Martin Comes

Looking east from property line,
post at northwest corner of lot.



Looking east from northwest
corner of non-lake front lot.
Wheel at 12' south property line.



Looking north, wheel at 15 feet from west property line on non-lake front lot.



Looking south, stake at 15 feet from highest known water mark at northwest corner of proposed house.



Looking east along shoreline. Wheel at highest known water mark.



Looking east down shoreline. Flags at north edge of proposed house.



Looking south from lake shore. Wheel at jog on north side of proposed house 23 feet from highest known water mark.



Looking west down shoreline from east corner of proposed house.



Looking south from lake. Flag at east side of proposed house.



Looking north from the road towards lot. Wheel at a northeast corner of non-lake front lot.

