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April 2, 2019 Minutes

Brookings County Planning & Zoning Commission
April 2, 2019 – 8:00 PM
Brookings City & County Government Center
310 Chambers

Chair Rochel called the meeting to order at 8:02 PM. Commission members present were: Mike Bartley, Robert Rochel, Kimberly Elenkiwich, Darrel Kleinjan, Terrell Spence, Michael McHugh, Randy Jensen, Chad Ford and alternate board members Roger Erickson and Tom Davis. Absent was Darrell Nelson.

Chair Rochel read **agenda item # 2: Approval of minutes from March 7, 2019 meeting.** Chad Ford moved to approve the minutes. Terrell Spence second. Chair Rochel called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Rochel read **agenda item # 3: Items to be added to agenda by commission members or staff.** a) Richard Haugen noted no additions.

Chair Rochel read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** No one scheduled time to address the board.

Chair Rochel read **agenda item # 5: Disclosure of Conflicts of Interest: Relationship(s) to Applicant; or Ex Parte Communication.** None

Chair Rochel read **agenda item # 6: Approval of Agenda.** Mike Bartley moved to approve the agenda. Michael McHugh second. Chair Rochel called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Rochel stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 7: Consideration of Plats: a. 2019plat005: "Plat of Lot 4A, Block 2, Sunset Point Addition in Govt. Lots 3 & 4 of Section 22, T112N, R47W of the 5th P.M., Brookings County, South Dakota."** Michael McHugh moved to approve the plat. Chad Ford second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "This is a plat of "Lot 4A in Block 1 of Sunset Point Addition." He noted: 1) Sunset Point Addition was located on Lake Hendricks. 2) The original plat lots meet the 20,000 sq ft requirement and had been approved on November 1st, 2005 by the Zoning Commission. 3) All the unsold lots

were replatted into a larger lot for tax purposes on October 2, 2012. 4) Lot 4A had been sold as was being re-platted into an individual lake lot, like it was originally platted. Mr. Haugen used visuals to describe the plat. Chair Rochel opened up for questions from the board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none. Chair Rochel stated, "This is pretty straight forward," and then asked the board for questions or comments, hearing none he called for a roll-call vote: Barley-aye, McHugh-aye, Elenkiwich-aye, Erickson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, Rochel-aye. 9-ayes, 0-nays, motion carried.

Chair Rochel stated, "We are now acting as the Brookings County Board of Adjustment" read the opening statement and **agenda item # 8: 2019var002: David E. Squires has made an application, 2019var002, to the Brookings County Board of Adjustment for a variance. 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). The property is described as: "Lot 42 of DeBoer's Lake Tetonkaha West Subdivision in Govt. Lots 1, 4, 5 and 6 in SW1/4 of Section 7, T111N, R51W (Oakwood Township)"** ~~ located at 64 Oakwood Shoreline Dr., Bruce, SD 57220. Kimberly Elenkiwich moved to approve the variance request. Michael McHugh second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "David Squires has applied for a variance to build a 20 feet x 32 feet residential addition with a 16 feet x 36 feet attached deck 24 feet from the high water mark, a variance of 5 feet and 6 feet from the southeast side property line, a variance of 2 feet." Mr. Haugen then noted: 1) the proposed addition and deck would be in line with the neighboring properties on either side of his property. 2) The current cabin measured 20 feet wide x 32 feet long with a 16 feet x 16 feet addition and a 12 feet x 34 feet attached deck and had been built in 1974 prior to the current setbacks. The 16 feet x 16 feet addition is no longer structurally sound. 3) Cabin is located on a ridge and sits 6-8 feet above the high water mark. 4) A portion of the parcel was in the flood plain and the applicant would need to complete a Flood Plain Development Permit and follow FEMA Floodplain standards for the proposed addition. 5) The area had been platted in 1984 and replatted in June 2003, when the original road was vacated and relocated. 6) Letters were sent to adjoining landowners and the Oakwood Township Chairman and Clerk. 7) Public notices were published in the Brookings Register on March 19 & 26, 2019 and in the Volga Tribune on March 21 & 28, 2019. Mr. Haugen noted the applicant had also sent letters to the adjoining landowners and that Torry Cole had replied back and had no objections to the variance request. He then presented a visual presentation of the site. Chair Rochel asked Mr. Squires to come forward and address the board. The applicant identified himself as David Squires and stated, "Richard covered everything pretty well. I did send letter to all three property owners next to us. Ms. DeBoer owns the land that Torry's structure sits on. I did get responses from Torry Cole and Ms. DeBoer. Ms. DeBoer was tickled to get a letter and thanked us. Torry was concerned about equipment being on his property and our structure covering a window. We will accommodate that and it will not cover the window and he (Torry) was fine with that. Ms. Amundson did not respond

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to the letter.” Chair Rochel opened up for questions from the board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none closed the public hearing. David Squires introduced Carlyle Halvorson the co-owner of the cabin to the board members. Mr. Halvorson noted he had nothing to add. Chair Rochel asked for additional comments from the board. Board member Bartley noted the floodplain area and that criteria would need to be met. Mr. Squires was aware and was in contact with a surveyor that was reviewing things (elevations). Luke Muller also mentioned that the flood plain in the area would likely be changing in that area also. Chair Rochel added a couple comments: 1) the board was sensitive to what the neighbors have to say and liked that the landowner had also contacted the adjoining landowners. 2) Concerned with it being close to the lake but with the elevation and additions being in line with the neighbors, he was supportive of the request. Chair Rochel then asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Rochel called for a roll-call vote: McHugh-aye, Elenkiwich-aye, Erickson-aye, Kleinjan-aye, Ford-aye, Spence-aye, Jensen-aye, Bartley-aye, Rochel-aye. 9- ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 9: Board Training with First District.** Luke Muller, Senior Planner – First District Association of Local Government and Codington County Zoning Officer presented board members with handouts. He discussed the handout topics of Conflicts of Interest and Ex Parte Contact with Quasi-Judicial Proceedings and Recent Court Decisions (Deuel County & Codington County). Copies of the handouts are on file. Board member Bartley further noted that in the case of comments from neighbors it is best to get copies of letters that an applicant receives and not just take their word for it. Also it would be best if the neighbors would attend the hearings. He also stressed that when an applicant is sending letters it would be best if pictures and descriptions were included and clearly described.

Chair Rochel read **agenda item # 10: Department Reports.** Chair Rochel asked Mr. Haugen for the Directors report. Mr. Haugen announced that long time Board member Darrell Nelson had called the office and resigned his position. The county commission would be advertising the opening to fill the remainder of his term. He noted that Mr. Nelson was also on the Joint Jurisdiction Subcommittee and asked for a board member to volunteer to replace Mr. Nelson on that board as well. Tom Davis expressed interest in filling Mr. Nelson’s position on the Joint Jurisdiction Subcommittee. Mr. Haugen also noted flooding was on the downward trend and that packets were going to be mailed out to the townships asking for information on any damage and asking for before and after repair pictures to be included for documentation and cost of repairs incurred. He noted that Mr. Hill was in North Dakota at a seminar and would be back in the office on Thursday. He also added that the May agenda was filling up.

Chair Rochel read **agenda item # 11: Executive Session, if Necessary.** Chair Rochel noted no need for executive session.

The board decided to appoint Tom Davis to the Joint Jurisdiction Subcommittee with a voice vote: 9-ayes, 0-nays.

Tom Davis asked if there was a term limit for being an alternate. Mr. Haugen noted he would discuss with the Commission and get back to the board.

Board member Kleinjan asked how long Darrell Nelson had been on the board. Mr. Haugen noted it had been prior to 2005. Chair Rochel noted Mr. Nelson had joined the board a few years after him and he then stated, "Darrell Nelson has done a tremendous job for this board. I think we can all agree on that."

Chair Rochel asked for a motion to adjourn. Chad Ford made a motion to adjourn the meeting, Michael McHugh second. Chair Rochel called for a voice vote. 9-ayes, 0-nays.

Chair Rochel adjourned the meeting at 9:51 PM.

Rae Lynn Maher
Brookings County
Development Department.