

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF JUNE 2, 2020 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, June 2, 2020. Modified meeting practices were used due to the global pandemic of COVID-19. Attendance for meetings to be via phone or for those in attendance the CDC recommended guidelines were followed in the Commission Chambers. The following members were present: Mike Bartley, Chad Ford, Darrel Kleinjan, Kyle Vanderwal and alternate board members Spencar Diedrich and Roger Erickson. Members that phoned in were: Michael McHugh, Tom Davis, Darrell Nelson and Senior Planner from First District Association of Local Governments Luke Muller. Absent were: Randy Jensen, and Terrell Spence. Others present were: Deputy Director Richard Haugen, County Development Director/Emergency Manager Robert Hill.

CALL TO ORDER

Chair Ford called the meeting to order at 8:02 PM

APPROVAL OF MINUTES

(Bartley/Diedrich) Motion to approve the May 5, 2020 Meeting Minutes. Roll call vote: Bartley-aye, Davis-aye, Nelson-aye, McHugh-aye, Kleinjan-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Ford-aye. **MOTION CARRIED.**

ITEMS TO BE ADDED TO AGENDA BY COMMISSION MEMBERS OR STAFF.

None added.

INVITATION FOR CITIZENS TO SCHEDULE TIME ON AGENDA FOR ITEM NOT LISTED. *Time limited to 5 minutes per person to address the board.*

No one scheduled time to address the board.

DISCLOSURE OF CONFLICTS OF INTEREST

None.

APPROVAL OF AGENDA

(Vanderwal/Diedrich) Motion to approve the agenda for the June 2, 2020 Meeting. Roll call vote: Vanderwal-aye, Kleinjan-ay, Erickson-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, McHugh-aye, Ford-aye. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION

CONSIDERATION OF PLATS

2020PLAT010

For property described as "Plat of Block 1, Elenkiwich Addition in the NE1/4 of Section 10, T110N, R50W of the 5th P.M., Brookings County, South Dakota." Submitted by Kyle Elenkiwich. Plat of 20.0 acre parcel that contains a homestead, building site and pasture from the 160.0 acres he owns.

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(Bartley/Vanderwal) Motion to approve the plat. Roll call vote: Kleinjan-aye, McHugh-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Ford-aye. **MOTION CARRIED.**

2020PLAT011

For property described as "Plat of Block 1, Ommen Second Addition in Govt. Lot 8 & 9 in the NE1/4 of Section 12, T112N, R48W of 5th P.M., Brookings County, South Dakota." Submitted by Todd Trooien of Trooien Land Co Inc. Plat of 8.41 acres parcel that is currently grass. No residence can be built on the parcel as it does not meet the 35 acre size requirement and is not a historical or current building site. Accessory buildings such as grain bins or a storage shed can be built on the property. Access to the property would be off Brookings County blacktop road #42 (197th Street).

(Erickson/Vanderwal) Motion to approve the plat. Roll call vote: Erickson-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, McHugh-aye, Vanderwal-aye, Ford-aye. **MOTION CARRIED.**

2020PLAT012

For property described as "Plat of Block 1, Intermill-Misar Addition in the SE1/4 of Section 12, T110N, R51W of the 5th P.M., Brookings County, South Dakota. Block 2, Intermill-Misar Addition in the NE1/4 of Section 13, T110N, R51W of the 5th P.M., Brookings County, South Dakota." Submitted by Emil and Wanda Misar. Plat of 10.4 acres from the 160 acres owned in Section 12, that contains an existing homestead. And plat of 21.5 acres from the 160 acres owned in Section 13, that currently contains a pole shed, barn, two silos, grain bins, feet lot and other miscellaneous structure and no residence. Block 2 does not contain 35 acres so is not a buildable site for a residence per the current zoning ordinance requirements. Both Block 1 and Block 2 are in the flood plain and any future buildings would need a Brookings County Floodplain Development permit and would need to follow FEMA Guidelines for building in the floodplain.

(Diedrich/Vanderwal) Motion to approve the plat. Roll call vote: Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, McHugh-ay, Vanderwal-aye, Erickson-aye, Ford-aye. **MOTION CARRIED.**

2020PLAT013

For property described as "Plat of Block 1, Jensen Addition in the NE1/4 of the NW1/4 of Section 32, T110N, R48W of the 5th P.M., Brookings County, South Dakota." Submitted by Lawrence and Pat Jensen. Plat of 4.3 acre parcel that contains a residence and a building site from the 40.0 acres they own. The building site needs to be excluded from the 40 acres for financial purposes. Their son is purchasing the balance 35.7 acres, along with the additional 120 acres of farmland in the quarter, to continue the family farming operation. The owners will continue to live in the residence on the building site and help with the farming operation.

(Vanderwal/Erickson) Motion to approve the plat. Roll call vote: Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, McHugh-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Ford-aye. **MOTION CARRIED.**

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CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

2020VAR004

Application by Keith Drew 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). The property is described as: "Lot 53 DeBoer's Lake Tetonkaha West Subdivision in Govt Lots 1, 4, 5 and 6 in Section 7, T111N, R51W (Oakwood Township)" ~~ located at 77 Oakwood Shoreline Dr, Bruce, SD 57220.

(Kleinjan/Erickson) Motion to approve the Variance request.

STAFF REPORT: Applicant is requesting a variance to build an 8' x 28' addition onto the end of his existing lake cabin and a 10' x 38' attached deck. The outer support post of the proposed deck requires the variance, and is 43 feet from the highest known water mark, a variance of 32 feet. The existing 26' x 28' single story cabin is built into the side hill. Proposed is an addition of 8' x 28' onto the original footprint and would include the addition of second story over the new footprint area (34' x 28'). The property is located in the flood plain and will need to follow the flood plan building requirements. The DeBoer's Lake Tetonkaha West Subdivision was originally platted in 1984, and re-platted in June of 2003, when the original road was vacated and relocated. No objections or concerns were received by the zoning office.

PUBLIC HEARING: Applicant Keith Drew via phone informed those present he had nothing more to add to Haugen's report. Contractor Shawn Knapp via phone noted that the paperwork was being done to remove the property from the floodplain, the proposed addition would not obstruct views of adjoining property owners, and that when the flat roofed cabin was originally built years ago the owners always intended to one day add a second story addition onto the structure.

Proponents: Haugen read notes received from Hugh Randall and Jim and Susan Ryan that noted they had been informed of the additions and changes to be made and had no concerns or objections to the proposed additions or construction. Luke Muller asked for clarification regarding if the deck was a second story deck or if part of the proposed deck would be flush with the ground. Contractor Shawn Knapp noted the deck would be on the second story and at ground level a cement pad may be put in place.

Opponents: None.

DISCUSSION: Board members had no questions or comments regarding the request. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Roll call vote: Kleinjan-aye, McHugh-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Ford-aye. **MOTION CARRIED.**

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2020VAR005

Application by Michael J Robbins for THO F F Inc for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "S 950' of E 950' of SE1/4 in Section 22, T111N, R49W (Afton Township)" ~~ located at 20593 476th Ave, White, SD 57276.

(Vanderwal/Bartley) Motion to approve the Variance request.

STAFF REPORT: Applicant is requesting a variance to build a 28' x 28' residential addition 104 feet from the center of 476th Ave, an Afton Township gravel road. Considerations or hardships were shape and size of the farm yard. The existing house was built in 1993 prior to current setback requirements. No objections or concern were received by the zoning office.

PUBLIC HEARING: Applicant Michael J Robbins informed those present he was the contractor and plans were for an addition that was 28 feet x 28 feet that would allow for needed space.

Proponents: None.

Opponents: None.

DISCUSSION: Board members had no questions or comments regarding the request. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Roll call vote: Erickson-aye, Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, McHugh-aye, Vanderwal-aye, Ford-aye. **MOTION CARRIED.**

2020VAR006

Application by Todd and Rachel Smidt 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). The property is described as: "Lot 35 of DeBoer's Lake Tetonkaha West Subdivision in Govt Lots 1,4,5 and 6 in Section 7, T111N, R51W (Oakwood Township)" ~~ located at 53 Oakwood Shoreline Dr, Bruce, SD 57220.

(Vanderwal/Kleinjan) Motion to approve the Variance request.

STAFF REPORT: Applicants are requesting a variance to build a 16' x 28' attached covered deck onto their existing residence. The applicants will be doing a cabin remodel that will include an attached garage and a second story addition above the current residence and will meet all setback requirements. The outer support posts of the proposed covered deck require the variance and will be farther away from the high water mark than the existing 14' x 20' attached deck, which is 22 feet from the high water mark. The north end post is 27 feet from the highest known water mark, a variance of 48 feet. The south end post is 34 feet from the highest know water mark, a variance of 41 feet. The property is located in the flood plain and will need to follow the flood plan building requirements. The DeBoer's Lake Tetonkaha West Subdivision was originally

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platted in 1984, and re-platted in June of 2003, when the original road was vacated and relocated. No objections or concerns were received by the zoning office.

PUBLIC HEARING: Applicant Todd Smidt informed those present he was going through the process and paperwork to have the property removed from the floodplain. And noted the reason for the addition was to allow for extra room for family gatherings and enjoyment of the lake.

Proponents: None.

Opponents: None.

DISCUSSION: Bartley noted he appreciated the renderings and it looked like it would be a great addition to the current cabin. He also liked the covered deck option as it would allow for extended use of the space. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Roll call vote: Diedrich-aye, Bartley-aye, Davis-aye, Nelson-aye, Kleinjan-aye, McHugh-aye, Vanderwal-aye, Erickson-aye, Ford-aye. **MOTION CARRIED.**

DEPARTMENT REPORTS

Hill noted he had nothing to add. Haugen told the board that at the next month's meeting there would be a proposed update of the by-laws to be voted on. This would include the current tele-conferencing used during the meetings and a few other things to bring the by-laws up to date. He also announced that tentatively the Joint meetings (work sessions) with the City would resume at the next months meeting (July 7, 2020). Bartley asked Luke Muller to identify the portions of the Joint Jurisdiction Ordinance that would be reviewed at the Joint work session meeting. Muller identified there would be a recap of the wellhead area and then discussion of the area south of town (Brookings) and the potential for small lot development.

ADJOURN

(Vanderwal/Erickson) Motion to adjourn. VOTE: Roll call vote: Bartley-aye, McHugh-aye, Davis-aye, Nelson-aye, Kleinjan-aye, Vanderwal-aye, Erickson-aye, Diedrich-aye, Ford-aye. **MOTION CARRIED.** Chair Ford adjourned the meeting at 8:59 PM.

Rae Lynn Maher
Brookings County
Development Department