

**BROOKINGS COUNTY PLANNING & ZONING COMMISSION**  
**MINUTES OF April 6, 2021    REGULAR PLANNING & ZONING MEETING**

The Brookings County Planning & Zoning Commission met at their regular meeting on Tuesday, April 6, 2021. 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: Chad Ford, Mike Bartley, Spencar Diedrich, Darrel Kleinjan, Brian Gatzke, Kyle Vanderwal, Neil Trooien, Randy Jensen and alternates Roger Erickson and Dale Storhaug. Absent was: Michael McHugh. Also present were: Deputy Director Richard Haugen and County Development Director/Emergency Manager Robert Hill. Also phoning in: Senior Planner from First District Association of Local Governments Luke Muller.

**CALL TO ORDER**

Chair Ford called the meeting to order at 7:23 PM

**APPROVAL OF MINUTES**

(Vanderwal/Diedrich) Motion to approve the March 2, 2021 Meeting Minutes. Voice vote: 9-aye, 0-nay. **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**

Haugen announced that agenda items #16. 2021cu004 & #17. 2021cu005 would not be heard as some adjoining landowners were not notified, the items would be moved to be heard at the May 4, 2021 meeting.

(Diedrich/Vanderwal) Motion to approve the amended agenda for the April 6, 2021 Meeting. Voice vote: 9-aye, 0-nay. **MOTION CARRIED.**

**CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION**

**CONSIDERATION OF PLATS**

**2021PLAT003**

For property described as "Plat of Lot 58A of the First Addition of Lake Poinsett Heights Subdivision in Lot 2, Section 5, T112N, R52W of the 5<sup>th</sup> P.M., Brookings County, South Dakota." This is a re-plat of "Lot 58 of First Addition of Lake Poinsett Heights." Lake Poinsett Heights Subdivision was originally platted in July 1922. Mr. Swedlund is platting

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out to the ordinary water mark and combining Lots 58 and 63, a portion of the street was vacated on August, 20, 2019 by the Brookings County Commission, at the request of the applicant and the West 20 feet of Lot 59 and West 25 feet of Lot 62 that he purchased from the adjoining landowner. The lot will contain 13,894 square feet.

(Vanderwal/Gatzke) Motion to approve the plat. Roll call vote: Bartley-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

#### **2021PLAT004**

For property described as "Plat of Tract 1 of Hansen Addition in the NW1/4 Except Lot H-1 and H-2 of Section 20, T110N, R49W of the 5<sup>th</sup> P.M., Brookings County, South Dakota." N. E. Hansen LLC, by Jason Harms is platting off 18.84 acres from the 132.90 acres they own. The 18 acres has road access off of 34th Ave and abuts the City limits of Brookings. The 18 acres is not a build-able lot for a residence, but could be used to build accessory buildings.

(Diedrich/Kleinjan) Motion to approve the plat. Roll call vote: Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Bartley-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

#### **2021PLAT005**

"Plat of Lots 2A, 3A and 5A, Block 2, Sunset Point Addition of Section 22, T112N, R47W of the 5<sup>th</sup> P.M., Brookings County, South Dakota." This is a plat of "Lot 2A, 3A and 5A in Block 2 of Sunset Point Addition." Sunset Point Addition is located at Lake Hendricks, it was originally platted and approved by the Zoning Commission on November 1st, 2005, into lake lots meeting the 20,000 sq. ft. requirement. On October 2nd, 2012 all the lots that were platted in 2005 that were not sold were re-platted into larger lots for tax purposes. They have sold a lot and it is being re-platted into an individual lake lot, like it was originally platted.

(Bartley/Kleinjan) Motion to approve the plat. Roll call vote: Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Bartley-aye, Gatzke-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

#### **DISCUSSION OF POSSIBLE ZONING ORDINANCE CHANGES.**

County Commissioner and Real Estate Broker Ryan Krogman addressed the board. He asked that the board look into the addition or change to the ordinance to allow for a rural residential planning development district. This would allow building out in the county of residential lots under certain conditions. He asked that the board consider putting a task force together that would include 2-3 board members that would consider options to allow for developments like those allowed prior to the 1980's (Sunnyview and Northgrove). He suggested looking at options such as allowing 10-15 acre sites that would have lots of 2-3 acres in the development that would have their own covenants, where homes could be build. Board member Bartley noted that the area in question would be outside the joint jurisdiction and strictly for the county board to consider. Kleinjan noted this was in opposition of what the board handbook said for purpose outside in the county. The county side being to protect land and not allow developments. The board asked that Krogman come back with formal recommendations: parameters,

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membership, time frame, plat size, acre size. Chair Ford noted the board was willing to listen and consider.

**CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT**

**2021CU006**

Application by Steve and Sheila Fritz for a conditional use. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.02 Conditional Uses Permit # 6: Accessory buildings with a side-wall greater than fourteen (14) feet or more than 2,000 square feet and used accessory buildings greater than 120 square feet. The property is described as: "S245.36' in Block 2 of the Pearson-Overby Addition in Govt Lot 4 of Section 22, T112N, R47W (Lake Hendricks Township)".

(Diedrich/Vanderwal) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a conditional use to build an accessory building 40 feet (wide) x 64 feet (long) with a 14 feet sidewall (2,560 sq. ft.) to be used for storage of their boat, pontoon, ice castle and mower. The proposed accessory building will: 1) be located on a non-lake front lot and will meet setback requirements (25 feet from road, 25 feet from rear property line and 8 feet from side property lines). 2) Access to the lot will be off E. Lake Hendricks Drive. 3) The lot is 149.25 feet wide x 245.36 feet long, 36,471 sq. ft. Pearson-Overby Addition was platted on April 21, 2016. 4) Public notices were published in the Brookings Register on March 23 and 30, 2021 and White Tri-City Star on March 25 and April 1, 2021. 5) Letters were sent to the adjoining landowners, Lake Hendricks Township Chairman and Clerk and Brookings County Highway Department.

PUBLIC HEARING: Applicant Steve Fritz informed those present the building would be used for storage.

Proponents: None.

Opponents: None.

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

VOTE: Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Bartley-aye, Gatzke-aye, Diedrich-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

**2021CU007**

Application by Marty Syrstad-Sullivan for a conditional use. Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. "A" Agricultural District, Section 408: Special Exception # 18: Extended home occupations: and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 20: Home extended business. The property is described as: "SW1/4 NW1/4 lying S of OL 'A' of said SW1/4 NW1/4

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extended east, except the E 245' of the N 72' of the S344' of the SW1/4 NW1/4, all in Section 12, T109N, R50W. Including a 66' wide access easement across the W550' of the SW1/4 NW1/4, the centerline of said easement being 210' south of the OL 'A' in the SW1/4 NW1/4 of said Section 12, T109N, R50W. (Medary Township)"~~ located at 3631 Medary Ave S, Brookings, SD 57006.

(Vanderwal/Diedrich) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a conditional use for an extended home business for dog kennel to board dogs. The property consists of approximately 21 acres with a house, pole shed, detached garage, fenced yard and manufactured home where her parents live. Manufactured home was approved as a secondary residence for a family member July 5, 2005 (2005cu010). Site is located in the Joint Jurisdiction area, approximately one-half mile south of 32<sup>nd</sup> Street South, at 3631 Medary Ave, off a Medary Township gravel road. Also noted or reviewed: 1) Business plan 2) Brookings City Community Development Department had no objections to the request. 3) Public notices were published in the Brookings Register on March 23 and 30, 2021 4) Letters were sent to adjoining landowner's and Medary Township Chairman and Clerk.

PUBLIC HEARING: Applicant Marty Syrstad-Sullivan informed those present she would like to open a new business, a doggy daycare on her current property. The facility would be located in an existing building remodeled to have a retail front, a HVAC system, professionally installed dog turf. The area would have decorative privacy, black wrought iron fence and decorative chain-link fencing around the area. The fence would be an anti-dig fence that would be professionally installed. The fence to the North would be a 6 feet tall solid privacy fence set on a 2 feet curb for a total height of 8 feet. She presented the board with letter of recommendation and supporting documents that were placed on file.

Proponents: Documents presented to board by applicant that were placed on file.

Opponents: Ryan and Jacci Fedeler adjoining landowners spoke in opposition noting: 1) building that housed the business would be closer to their residence than the applicants home. 2) Concern for their young children, livestock and noise produced by 40 dogs. 3) Past issues with dogs owned by the applicant and continuation of issues.

DISCUSSION: Board members Bartley, Gatzke, Diedrich, Ford, Jensen, Kleinjan, and Vanderwal discussed with applicant: 1) handling of waste 2) fence types to be used 3) dealing with dogs that are noisy, barking, aggressive 4) Total count of dogs on property at one time 5) staffing plans 6) building size and location of runs 7) fencing and addition of trees 8) days and hours of operation. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-nay, Bartley-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Ford-nay. 7-aye, 2-nay. **MOTION CARRIED.**

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**2021VAR006**

Application by Joel Edman 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: “Lots 39A & 40B of DeBoer’s Lake Tetonkaha West Subdivision in Govt Lots 4 & 5 in Section 7, T111N, R51W (Oakwood Township)”~~ located at 57 & 61 Oakwood Shoreline Dr, Bruce, SD 57220.

(Jensen/Gatzke) Motion to approve the Variance request.

STAFF REPORT: Applicant is requesting a variance to build a 16 feet x 66 feet attached garage addition 53 feet from the high water mark, a variance of 22 feet. It was noted that: 1) garage addition would be built on the west side of the attached garage. 2) North 16 feet of proposed garage addition would have storage below. 3) Addition would be in line with house and neighboring properties on either side of property. 4) Side yard setbacks of 8 feet and front yard setback of 25 feet would be met. 5) Cabin sits on ridge 12 feet above high water mark. 6) Hardships: shape and size of lot and when lot platted. 7) Letters were sent to adjoining landowners and Oakwood Township Chairman and Clerk 8) Public notices were published in the Brookings Register on March 23 and 30, 2021 and in the Volga Tribune on March 25 and April 1, 2021.

PUBLIC HEARING: Applicant Joel Edman informed those present he just wanted to add a 3<sup>rd</sup> stall to the existing garage.

Proponents: None.

Opponents: None.

DISCUSSION: Board member Kleinjan asked applicant if any adjoining property owner’s views of the lake would be affected. Edman noted no adjoining landowners’ views would be obstructed. Findings of Facts were reviewed and completed by the board and placed on file.

VOTE: Trooien-aye, Jensen-aye, Erickson-aye, Bartley-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

**2021VAR007**

Application for Calvin & Julie Christianson by Fred Lebahn 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 1 of Jorenby’s Third Addition in the SW1/4 of Section 28, T109N, R50W (Medary Township) and Lot 11 Jorenby’s First Addition in Govt Lot 1 of Section 28, T109N, R50W (Medary Township)”~~ located at 2672 Lake Shore Drive, Volga, SD 57071.

(Diedrich/Jensen) Motion to approve the Variance request.

STAFF REPORT: Applicants are requesting to build a residential addition onto an existing garage that was built in 2006. The addition will be 15 feet from the September 2019 rain events high water mark, a variance of 60 feet. The distance from the proposed

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addition to the top of the riprap shoreline is 73 feet. The elevation of the proposed addition is 4 feet higher than the shore line. The proposed addition will be further back than either of the houses on the adjoining properties and will not obstruct the view up or down the shoreline. Considerations: 1) shape and size of the lot. 2) Lot 1 in Jorenby's First Addition was platted in April 4, 1984 and lot 11 in Jorenby's Third Addition was platted on May 10, 1995. Letters were sent to adjoining landowners and Medary Township Chairman and Clerk. Public notice were published in the Brookings Register on March 23 and 30, 2021 and Volga Tribune on March 25 and April 1, 2021.

**PUBLIC HEARING:** Applicant Fred Lebahn informed those present the proposed residential addition layout was the most feasible way in dealing with the power, water and septic system locations.

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:** Jensen-aye, Erikson-aye, Bartley-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

### **2021VAR008**

Application for Lawrence Risty by Matthew Pavek 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: "Lots 11-12-11A-12A Camara Beach Addition in NW1/4 Section 15, T112N, R47W (Lake Hendricks Township)" ~~ located at 107 N. Lake Hendricks Dr, Hendricks, MN 56136.

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

**STAFF REPORT:** Applicant is applying for a variance to build a 10 feet x 37 feet residential addition onto the existing residence 72 feet from the high water mark, a variance of 3 feet. The proposed addition will meet the side setback property line requirement of 8 feet. The addition will not obstruct shoreline views. The property is located in the floodplain and the previous owners submitted documents to FEMA to have the house removed from the floodplain as it meet the requirements to allow for removal. Considerations: 1) Shape and size of the lot. 2) Lot was platted in November 5, 1970 and house was built in 1950 before the current zoning ordinance was in place. Letters were sent to adjoining landowners and Lake Hendricks Township Chairman and Clerk. Public Notices were published in the Brookings Register on March 23 and 30, 2021 and White Tri-City Star on March 25 and April 1, 2021.

**PUBLIC HEARING:** Applicants Lawrence Risty and Matthew Pavek (contractor) informed those present they had nothing further to add.

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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: Erikson-aye, Bartley-aye, Gatzke-aye, Diedrich-aye, Kleinjan-aye, Vanderwal-aye, Trooien-aye, Jensen-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

### **DEPARTMENT REPORTS**

Hill noted April 15 & 22 PODs would be held and there would be COVID-19 shots available to the public, to register for the shots go to [www.brookingshealth.org](http://www.brookingshealth.org). Due to current dry conditions to use caution with any fires. Work would take place on the review of the Ordinance and updating with such things as Marijuana related guidelines. Haugen discussed thoughts on daycare operation in rural Brookings County. Board members Bartley and Diedrich voiced thoughts that it would fall under permitted use. Hill noted the person operating would need to follow State guidelines and register (if more than 12 children) with them and follow requirements. Haugen noted two agenda items were moved to the May meeting as 3 parcels (2 adjoining landowners) hadn't received letters regarding the conditional use requests (2021cu004-mining & 2021cu005-crushing). Gatzke asked if type, size of such things as trees could be specified in Finding of Facts. Muller noted that the board could and to note in the Findings of Facts. Muller noted he had no formal report to give.

### **ADJOURN**

(Gatzke/Diedrich) Motion to adjourn. Chair Ford adjourned the meeting at 10:04 PM.

Rae Lynn Maher  
Brookings County  
Development Department