Board of Adjustment
Brookings, South Dakota
September 4, 2014

OFFICIAL MINUTES

Chairperson Shawn Storhaug called the Board of Adjustment meeting to order on Thursday, September 4, 2014, at 5:00 PM in the Chambers Room at the City & County Government Center. Voting members present were Jere Hieb, Jason Hoffelt, Mary Kidwiler, Mary O'Neill, and Storhaug. Alternates Lynn Mennis and Eric Youmans were also present. Others present were Matt Kurtenbach, Greg Holdeman, Jill Thorngren, Chris and September Bessler, Anthony Filholm, Dustin Hendrickson, Kelan Bludorn, Planning and Zoning Administrator Dan Hanson, and others.

Item #1 – (Kidwiler/O'Neill) Motion to approve the minutes of the August 21, 2014 meeting. All present voted aye. **MOTION CARRIED**.

Item #2 – (O'Neill/Hoffelt) Motion to approve the agenda. All present voted aye. **MOTION CARRIED**.

Item #3 – Matt and Melissa Kurtenbach have made a request for a variance on Lot 12B, Block 1, Yellowstone Addition, also known as 1015 Christine Avenue. The request is to establish parking in the front yard of a residential lot.

(Kidwiler/Hieb) Motion to approve the variance as presented.

(Storhaug/Hoffelt) Amendment to the motion to require screening with live plants between the parking pad and the street. All present voted aye. **AMENDMENT CARRIED.**

The motion, as amended, was voted on. All present voted aye. **MOTION CARRIED.**

Item #4 – Jill Thorngren and Greg Holdeman have made a request for two variances on Lot 9, and the W30' of Lot 10, Block 5, Hill Park Addition, also known as 404 12th Avenue. The first request to establish 1,081 square feet of accessory buildings on a residential lot. The maximum permitted is 1,000 square feet. The second request is to construct a deck one foot from the side lot line. The required setback is three feet.

(O'Neill/Kidwiler) Motion to approve the first variance as presented. All present voted aye. **MOTION CARRIED.**

(Kidwiler/Hoffelt) Motion to approve the second variance as presented. All present voted aye. **MOTION CARRIED.**

Item #5 – Chris Bessler has made a request for a variance on the E1/2 of Lot 1, Block 6, Hill Park Addition, also known as 1226 4th Street. The request is to build 8.5 feet from the east front lot line. The required setback is 25 feet in the Residence R-2 District.

(Hieb/Hoffelt) Motion to approve the variance as presented.

(Hieb/Kidwiler) Amendment to the motion to strike out "8.5 feet" and insert "10.5 feet". Hieb, Kidwiler, O'Neill, and Storhaug voted aye. Hoffelt voted no. **MOTION CARRIED.**

The motion, as amended, was voted on. All present voted aye. **MOTION CARRIED.**

Item #6 – Anthony Filholm has made a request for a variance on Lots 13 and 14, Block 8, Mathews and Scobeys Addition, also known as 325 Main Avenue South. The request is to build 4.5 feet from the side lot line. The required setback is 7 feet in the Residence R-3A District.

(Hoffelt/O'Neill) Motion to approve the variance as presented. All present voted aye. **MOTION CARRIED.**

Item #7 – Apex Enterprises has made a request for a variance on Lot 8, Block 4, Bluegill Addition, also known as 1805 23rd Street South. The request is to build a deck, exceeding 30 inches in height, 18.5 feet from the rear lot line. The required setback is 25 feet in the Residence R-1B District.

(Kidwiler/Hoffelt) Motion to approve the variance as presented. All present voted aye. **MOTION CARRIED.**

The meeting was adjourned.

Dan Hanson, Secretary
Planning & Zoning Administrator

Shawn Storhaug, Chairperson

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OFFICIAL SUMMARY

Chairperson Shawn Storhaug called the Board of Adjustment meeting to order on Thursday, September 4, 2014, at 5:00 PM in the Chambers Room at the City & County Government Center. Voting members present were Jere Hieb, Jason Hoffelt, Mary Kidwiler, Mary O'Neill, and Storhaug. Alternates Lynn Mennis and Eric Youmans were also present. Others present were Matt Kurtenbach, Greg Holdeman, Jill Thorngren, Chris and September Bessler, Anthony Filholm, Dustin Hendrickson, Kelan Bludorn, Planning and Zoning Administrator Dan Hanson, and others.

Item #3 – Matt Kurtenbach stated he was currently building a house with a front yard setback of 100 feet. He was proposing to install a front yard parking area so guests could drive in and drive out as opposed to backing out down a long driveway. He felt it was the minimum encroachment needed. He noted other houses in this area of Christine Avenue also had 100 foot setbacks.

Kidwiler asked if the parking area would be screened with trees and shrubs. Matt replied yes. Storhaug noted that adjoining properties had similar parking areas in their front yards. Hanson remarked that other properties had wider sideyards which allowed for backup areas. This was permitted by ordinance. Storhaug supported screening the parking area from the street. Hieb favored live plantings over a privacy fence.

Item #4 – Holdeman stated he had purchased the property about 3 years ago and was trying to replace the existing structures that had been on the lot for about 30 years. The condition of the deck was such that normal repairs were impossible and it had to be totally rebuilt. The deck was actually a low platform and he simply wanted to erect a new deck in the same location. He added that the situation was the same for the shed. He would put a shed back on the lot in the same location as the old one.

O'Neill noted that a new screen porch was being constructed on the lot. Holdeman stated he had to remove the shed to be able to obtain a permit to begin working on the porch because both structures and the detached garage were over 1,000 square feet in area.

Item #5 – Bessler stated he currently had a 12' X 20' attached garage on his property. His new project involved a breakfast nook and a two-stall, attached garage. The lot was a narrow corner lot and the new garage would be 24' X 26' in size.

Storhaug asked if the new garage would be closer to the lot line than the current garage. Bessler replied yes, 4 feet closer. Storhaug asked if the new garage could be set back further on the lot. Hanson responded that a new building could be constructed to within 7 feet of the west side lot line. Bessler noted that the neighboring house was encroaching on his lot by about one to two feet so the separation would not be as great.

Hieb supported a greater setback than what was proposed. He felt a garage design with less depth could accomplish that. Bessler commented that placing the garage further east would allow for a window in the south wall of the proposed breakfast nook. It was noted that the current garage was in-line with the house. Hieb favored a 10.5 foot setback versus the proposed 8.5 feet.

Item #6 – Filholm stated he wanted to add on to the back of his house. He would build in-line with the north wall. Storhaug felt this was consistent with other similar variances for older lots in Brookings.

Item #7 – Kelan Bludorn and Dusten Hendrickson stated they had constructed a deck within the rear yard setback. They had designed a house to be built 25 feet from the front lot line and submitted a building permit to the Board showing the 25 foot setback notation. However, the actual 30 foot required front yard setback created a rear yard setback issue when they constructed the deck. They also noted that the lot was platted with a lot area below the minimum requirements of the zoning district it was in.

Hoffelt felt the hardship was created by the lot being too small for the zoning district in which it was in. He supported the variance based on that information.

The meeting was adjourned.

Dan Hanson, Secretary
Planning and Zoning Administrator

Shawn Storhaug, Chairperson