

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY June 18, 2024 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** *Brown County Planning/Zoning Commission* meeting was called to order by Stan Beckler Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were Stan Beckler Chairman, David North Vice-Chairman, Pat Keatts, Dale Kurth, James Meyers, Carrie Weisenburger, County Commissioner Michael Gage (*who serves on this Board per SDCL 11-2-2*), Ross Aldentaler (*Dep. States Attorney*), Paul Johnson (*Alternate P&Z Commissioner*).
- III. **Agenda:** After discussion, Gage moved and Kurth seconded to approve this June 18, 2024, Planning/Zoning Commission Agenda as presented. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Keatts moved and North seconded to approve the May 21, 2024, Planning/Zoning Commission Minutes as written, all members voted aye; motion carried.
- V. **Old Business:**
 - 1) **Sign-up Sheet:** at door entrance on the table for anyone to speak on an Agenda Item.
 - 2) **Permits:** Anyone present that have submitted Zoning Board of Adjustment (BOA) items such as a Variance Petition (VP) or Conditional Use Petition (CUP) are still required to get their required PERMITS from the Zoning Office before starting their project if their request gets approved.
 - 3) **Hefty Seed:** 12484 406th Avenue. Justin Hanson informed Planning & Zoning that the fence around the pond was installed as stipulated during the October 17, 2023, meeting.
- VI. **New Business:** *Planning/Zoning Commission as Zoning Board of Adjustment (BOA)*
 - 1) **Variance to Building Setbacks** in a Mini-Agriculture District (M-AG) described as Lot 2, “Schinkel Second Subdivision” in the E1/2 of the E1/2 of Section 35-T122N-R61W of the 5th P.M., Brown County, South Dakota (14187 405th Avenue, West Hanson Twp.). Submitted by Matthew & Nicole Jacobsen. Matt & Nicole Jacobsen were in attendance for this item. Following discussion on Findings of Facts (FoF), Meyers moved, and Weisenburger seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, Meyers moved, and Weisenburger seconded to **approve a Variance to Building Setbacks** to have a 30’ East Front Yard Setback rather than the 100’ required in a Mini- Agriculture District (M-AG) for a new house on existing foundation, all members voting aye, motion carried.
 - 2) **Variance to Building Setbacks** in a Rural Urban District (RU) described as Lots 4, 5 & 6, Block 9, “Blocks 9 to 13 Inclusive & Outlot E & F to the Town of Ferney” in the SW1/4 of Section 31-T122N-R60W of the 5th P.M., Brown County, South Dakota (205 Elm Street, East Hanson Twp.). Submitted by Steve Harry. No one was in attendance for this item. Following discussion, Kurth moved, and North seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, Kurth moved, and North seconded to **approve a Variance to Building Setbacks** to have an 8’-0”

west Side Yard Setback rather than the 15'-0" required by Brown County Ordinance in a Rural Urban District (RU) for a 30' x 30' addition on the south side of the existing garage, all members voting aye, motion carried.

- 3) **Appeal to Standard Approach Width** in a Heavy Industrial District (H-I) described as "Mead's Outlot D" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38390 West Highway 12, Aberdeen Twp.). Submitted by Ochsner Real Estate LP II. Jake Ochsner was in attendance for this item. Following discussion, North moved, and Keatts seconded to ***approve the Finding of Facts (FoF) as presented***. Also following discussion, North moved, and Keatts seconded to ***Postpone the Appeal to Standard Approach Width until the July, 2024 meeting with instructions to come back with a workable plan other than*** for a proposed new approach to be 125'-0" wide rather than the 60'-0" granted by the Highway Department in a Heavy Industrial District (H-I), all members voting aye, motion carried.
- 4) **Conditional Use Petition (CUP)** in a Mini-Agriculture District (M-AG) described as Lot 1, "Brenner Addition" in the W1/2 of the SW1/4 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (13288 384th Avenue, Aberdeen Twp.). Submitted by Daniel Brenner. Daniel Brenner was in attendance for this item. Following discussion, Gage moved, and Kurth seconded to ***approve the Finding of Facts (FoF) as presented***. Also following discussion, Gage moved, and Kurth seconded to ***approve a Conditional Use Petition (CUP)*** to operate a Federal Firearms Licensed (FFL) home business in a Mini-Agriculture District (M-AG). All members voting aye, motion carried.
- 5) **Variance to Building Setbacks** in an Agriculture Preservation District (AG-P) described as The NE1/4 of Section 31-T126N-R60W of the 5th P.M., Brown County, South Dakota (11747 407th Avenue, South Detroit Twp.). Submitted by Mike McCranie. Matt McCranie was in attendance for this item. Following discussion, Kurth moved, and Weisenburger seconded to ***approve the Finding of Facts (FoF) as presented***. Also following discussion, Kurth moved, and Weisenburger seconded to ***approve a Variance to Building Setbacks*** to have a 5'-0" South Side Yard Setback rather than the 20'-0" required by Brown County Ordinance for a new 150'-0" x 110'-0" shop with a 40'-0" x 54'-0" office addition in an Agriculture Preservation District (AG-P), all members voting aye, motion carried.
- 6) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lot 1, "Marvin and Gweneth Hansen First Addition" in the NW1/4 of the NE1/4 of Section 6-T128N-R61W of the 5th P.M., Brown County, South Dakota (40055 100th Street; Liberty Twp.). Submitted by Shelly Schwab. There was not anyone in attendance for this item. Following discussion, North moved, and Keatts seconded to ***approve the Finding of Facts (FoF) as presented***. Also following discussion, North moved, and Keatts seconded to ***approve a Variance to Lot Size*** to allow Proposed Lot 1 (5.50 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Brown County Zoning Ordinances, all members voting aye, motion carried.
- 7) **Conditional Use Petition (CUP)** in an Agriculture Preservation District (AG-P) described as "Shawn Gengerke's Outlot 1" in the NW1/4 of Section 19-T124N-R60W of the 5th P.M., Brown County, South Dakota (40605 127th Street, Riverside Twp.). Submitted by Shawn Gengerke. No one was in attendance for this item. Following discussion, Meyers moved, and Keatts seconded to ***approve the Finding of Facts (FoF) as presented***. Also following discussion, Meyers moved, and Keatts seconded to ***Postpone the Conditional Use Petition (CUP)***, to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P), ***until the July 2024 meeting***. All members voting aye, motion carried.

- 8) **Conditional Use Petition (CUP)** in a Heavy Industrial District (H-I) described as Lot 2, “WEB Water Development 1st Subdivision” in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38456 West Highway 12, Aberdeen Twp.). Submitted by Eric Hansen. Eric Hansen was in attendance for this item. Following discussion, Weisenburger moved, and North seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, Weisenburger moved, and North seconded to **approve a Conditional Use Petition (CUP)** to construct a 40’ x 80’ pole barn storage building in a Heavy Industrial District (H-I). All members voting aye, motion carried.
- 9) **Variance to Lot Frontage Width** in a Mini-Agriculture District (M-AG) described as Proposed Lot 9, “Howling Woods Subdivision” in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (2435 Howling Woods Lane; Aberdeen Twp.). Submitted by Troy & Rebecca Woehl. Troy, Rebecca & Andrew Woehl were in attendance for this item. Following discussion, Gage moved, and Weisenburger seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, Gage moved, and Weisenburger seconded to **approve a Variance to Lot Frontage Width** to have a frontage width of 130.71’ rather than the minimum 200’-0” required by Brown County Ordinance in a Mini-Agriculture District (M-AG) for proposed Lot 9 (3.76 ± acres), all members voting aye, motion carried.

Completed as Zoning Board of Adjustment (BOA) Agenda & going to Planning Commission Agenda

MINUTES

REGULAR SCHEDULED MEETING

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, June 18, 2024 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Old Business:** Discussion on Amendments to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 on Administrative Rules and Enforcement are still Tabled until further notice, by Ross Aldentaler, Deputy States Attorney.
- II. **New Business:** *Brown county Planning/Zoning Commission as [Planning Commission](#)*
- 10) Rezone Petition** for a property described as Proposed Lot 1, “Beving-Webb Addition” in the SE1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue; Mercier Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Morgan Beving and Arlene Webb-Stanley. Morgan & Jackie Beving were in attendance for this item. Following discussion, North moved, Weisenburger seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 11) Rezone Petition** for a property described as Lots 1 & 2, “Wright Third Subdivision” in the NE1/4 of Section 7-T123N-R62W and Lots 1 & 2, “Jones-Wright Addition in the E1/2 of Section 7-T123N-R62W, all of the 5th P.M., Brown County, South Dakota (13121, 13145, 13149 & 13153 395th

Avenue, Bath Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) (13145, 13149 & 13149 395th Avenue) and from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) (13121 395th Avenue). Submitted by Todd & Connie Wright. There wasn't anyone in attendance for this item. Following discussion, Meyers moved, North seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners, all members voting aye, motion carried.

12) Preliminary & Final Plat for conveyance purposes on a property described as "Beving-Webb Addition" in the SE1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue, Mercier Twp.). Submitted by Morgan Beving & Arlene Webb-Stanley. Morgan & Jackie Beving were in attendance for this item. Following discussion, Keatts moved, Gage seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

13) Preliminary & Final Plat for conveyance purposes on a property described as "Marvin and Gweneth Hansen First Addition" in the NW1/4 of the NE1/4 of Section 6-T128N-R61W of the 5th P.M., Brown County, South Dakota (4005 100th Street, Liberty Twp.). Submitted by Shirley Schwab. There wasn't anyone in attendance for this item. Following discussion, North moved, Weisenburger seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

14) Preliminary & Final Plat for conveyance and development purposes on a property described as "Howling Woods Subdivision" in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (Approx. 1493 S 385th Avenue; Aberdeen Twp). Submitted by Troy & Rebecca Woehl. Troy, Rebecca & Andrew Woehl were in attendance for this item. A letter was presented to the Planning Commission tonight just before the meeting started from Janet and Jeff Hedges that are in Colorado this week and couldn't be at the meeting. There was a Preliminary Plat review process last month, but neighboring properties do not get notified about that being submitted. The Hedges's were notified for a *Variance to Lot Frontage* on one of the parcels in the plat and that is how they knew about the proposed housing subdivision. They are majority owners of the farmland across the township road. The letter talked about a *precedence* that had been set when their submittal for an Event Center was denied in 2018 in this same area. All the reasons put forth against a new business at the time are the same things happening with a subdivision improvement such as increased traffic, dust, noise, an additional approach, and there will be more businesses from the residential area either by home offices or out of the shops. The Hedges' said they are not against a new housing subdivision, but the County Planning Commission and County Commission should refer back to the Minutes, Agenda, and precedence set from the Event Center submittal to the City of Aberdeen at that time. The discussion in 2018 led to a unanimous "*no vote*" being cast by the County Planning Commission and County Commission. The City of Aberdeen Planning Commission and the City Council unanimously voted yes, but a Majority vote of all the voting members forced the request to be denied. Also, there is a letter clarifying by GF&P Nick Cochrane, that they will still have hunting rights on their land. Following discussion, North moved, Gage seconded to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

III. Other Business: None

IV. Adjourn: There being no further business before the Planning/Zoning Commission, Kurth moved and North seconded to adjourn the meeting, all members voting aye, motion carried.

Submitted by: Planning/Zoning Director Scott Bader.