

# AGENDA

## BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, JULY 16, 2024 – 7:00 PM  
BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT  
(STAIRWAY AND ELEVATOR ACCESS TO BASEMENT)

- I. Call to Order: for Brown County Planning/Zoning Commission
- II. Roll Call: David North - Vice Chair, Dale Kurth, Patrick Keatts, James Meyers, Carrie Weisenburger, County Commissioner Mike Gage, Alternate Paul Johnson, and Stan Beckler-Chairman.
- III. Approval of July 16, 2024, Agenda: Motion: 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_
- IV. Approval of June 18, 2024, Minutes: Motion: 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_

## ZONING BOARD OF ADJUSTMENT

- V. Old Business:
  - 1. **Sign-up sheet:** On the table by the door entrance, there is a Sign-up Sheet. Please legibly sign in and mark YES or NO if you want to speak to the Board on any Agenda Item.
  - 2. **Permits:** Anyone that has submitted a Variance Petition (VP) or a Conditional Use Petition (CUP) to the Zoning Board of Adjustment (BOA) is still required to get their required PERMITS from the Zoning Office before starting their project if their Petition gets approved. Penalties may be assessed per Ordinance when starting projects without proper permits in place.
  - 3. **Postponed Item from June 18, 2024, Meeting:**  
Conditional Use Petition (CUP) in an Agriculture Preservation District (AG-P) described as “Shawn Gengerke’s Outlot 2” in the NW1/4 of Section 19-T124N-R60W of the 5<sup>th</sup> P.M., Brown County, South Dakota (40605 127<sup>th</sup> Street; Riverside Twp.).
  - 4. **Postponed Item from June 18, 2024, Meeting:**  
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 5<sup>th</sup> P.M., Brown County, South Dakota (38390 West Highway 12; Aberdeen Twp.).
- VI. New Business: *Brown County Planning/Zoning Commission as Zoning Board of Adjustment (BOA).*
  - 1. **Variance to Building Setbacks** in a Lake Front Residential District (R-3) described as Lot 31, “Lutgen’s West Addition” in the NE1/4 of Section 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (127116 West Shore Drive; Ravinia Twp.).
- VII. Other Business:

# AGENDA

## BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, JULY 16, 2024 – 7:00 PM

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT

(STAIRWAY AND ELEVATOR ACCESS TO BASEMENT)

## PLANNING COMMISSION

- I. Old Business:
- II. New Business: *Brown County Planning/Zoning Commission as Planning Commission.*
  10. **Rezone Petition** for a property described as proposed Lot 1, “Palmyra Farmhouse Second Addition” in the SW1/4 of Section 18-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10260 373<sup>rd</sup> Avenue, Palmyra Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG).
  11. **Preliminary & Final Plat** for conveyance purposes on a property described as “Palmyra Farmhouse Second Addition” in the SW1/4 of Section 18-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10260 373<sup>rd</sup> Avenue, Palmyra Twp.).
  12. **Preliminary Plat** for review purposes on a property described as “Johnson Airport Subdivision” in the SW1/4 of Section 22-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (Approx. 1349 S 391<sup>st</sup> Avenue, Bath Twp.).
  13. **Preliminary & Final Plat** for financial purposes on a property described as “Gengerke Richmond Lake Addition” in the NW1/4 of Section 13-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (126365 North Bridge Road, Ravinia Twp.).
  14. **Preliminary & Final Plat** for financial purposes on a property described as “Haugen First Subdivision” in the NE1/4 of Section 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (127250 W Shore Drive; Ravinia Twp.)
15. **Other Business:** Executive Session if requested.
16. **Motion to Adjourn:** 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_

# 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 406<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (14187 405<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (13288 384<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (11747 407<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (40055 100<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (40605 127<sup>th</sup> 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 1<sup>st</sup> Subdivision” in the N1/2 of Section 21-T123N-R64W of the 5<sup>th</sup> 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 5<sup>th</sup> 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.

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

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# 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 5<sup>th</sup> P.M., Brown County, South Dakota (13291 382<sup>nd</sup> 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 5<sup>th</sup> 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 395<sup>th</sup> Avenue) and from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) (13121 395<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (13291 382<sup>nd</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (4005 100<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (Approx. 1493 S 385<sup>th</sup> 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.

# STAFF REPORT

Meeting: ~~June 18, 2024~~ - Postponed to July 16, 2024

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## **BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)**

**CONDITIONAL USE PETITION (CUP) IN AG-P**  
(Agriculture Preservation District (AG-P))

**OLD BUSINESS #3**

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### GENERAL INFORMATION:

OWNER:	Shawn Gengerke
PETITIONER:	Shawn Gengerke
REQUEST:	<b>CONDITIONAL USE PETITION (CUP) IN AN AGRICULTURE PRESERVATION DISTRICT (AG-P)</b>
LEGAL DESCRIPTION:	"Shawn Gengerke's Outlot 2" in the NW1/4 of Section 19-T124N-R60W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
ADDRESS:	<del>40605 127<sup>th</sup> Street</del> <b>12702 406<sup>th</sup> Ave</b>
CITY/TOWNSHIP:	Riverside Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	BDM Water; Northern Electric Coop.
REPORTED BY:	Scott Bader

**GENERAL COMMENT:** This meeting was postponed from the June 18, 2024 meeting to clarify the correct address. The petitioner is requesting a Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P). The applicant will be using this address for home office, billing, transfers, ATF required paperwork, etc.

**GENERAL REVIEW:** Staff has reviewed this request. Shawn Gengerke has had an FFL for quite some time. The zoning issue just came up during an ATF review of Shawn's renewal of his FFL.

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: May 1, 2024  
RECEIPT # 821978  
TOWNSHIP: Riverside Township


FEES: \$225.00  
PAID: YES/NO CHK/CASH  
DATE: May 31, 2024

OWNERS SIGNATURE: Shawn Gengerke  
OWNERS ADDRESS: 12702 406th Avenue  
OWNERS CITY, STATE, ZIP: Groton SD 57445  
OWNERS PHONE: (605) 380-7585

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

**REQUEST:** Petitioner is requesting a Conditional Use Permit (CUP) to operate a Federal Firearms Licensed business from his shop in an Agriculture Preservation District (AG-P). Petitioner has had an FFL for some time. The zoning issue came up during a recent review of Shawn's FFL for renewal.

**LEGAL DESCRIPTION:** "Shawn Gengerke's Outlot <sup>2</sup> 1" in the NW1/4 of Section 19-T124N-R60W of the 5th P.M., Brown County, South Dakota  
12702 406th Avenue (~~40605 127th Street~~, Riverside Twp.)

SIGNATURE: 

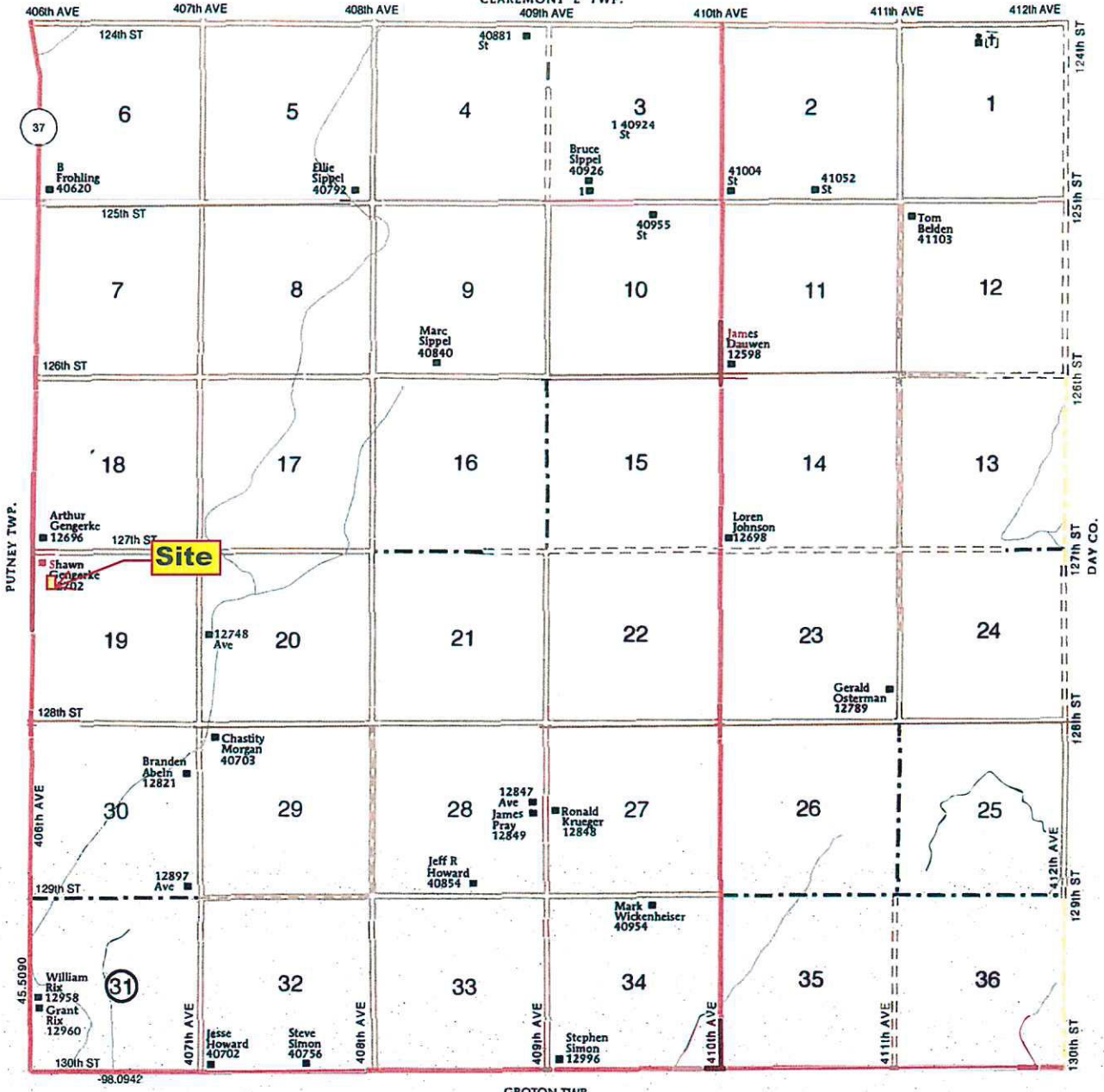
<b>Planning Commission Action: <u>Approved / Denied</u></b>	
_____	
_____	
By: _____	Date: _____
Postponed to meeting on July 16, 2024	
<b>HEARING DATE:</b> <u>June 18, 2024</u>	<b>TIME:</b> <u>7:00 PM</u>

**MEETING:** located in the Basement Community Room of the Court House Annex  
25 Market Street • Aberdeen, South Dakota 57401-4203  
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



(Residents - Owners or Renters)

CLAREMONT 'E' TWP.



## NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Shawn Gengerke

Legal description of property: "Shawn Gengerke's Outlot 1" in the NW1/4 of Section 19-T124N-R60W of the 5<sup>th</sup> P.M., Brown County, South Dakota (40605 127<sup>th</sup> Street; Riverside Twp.).

Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P)

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 5th day of June 2024.

Planning/Zoning Commission and  
Scott Bader – P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144

Published once at the total approximate cost of \_\_\_\_\_.

**(Gengerke)**  
SPECIAL EXCEPTION/CONDITIONAL USE  
WORKSHEET

**REQUEST INFORMATION**

Request:	Special Exception/Conditional Use Permit To operate a Federal Firearms • (Short Description) Licensed home business
Applicant:	Name Shawn Gengerke • Address 12702 406th Avenue, Groton, SD
Landowner:	• Same
Legal Description:	"Shawn Gengerke's Outlot 2" in the NW1/4 of Section 19-T124N-R60W of the 5th P.M., Brown County, South Dakota
Location:	12702 406th Avenue
Size:	4.31 Acres
Physical Description:	N/A
Tax ID:	N/A
Current Zoning:	Agriculture Preservation District (AG-P)
Existing Land Use:	Agriculture
Surrounding Zoning:	• N - Agriculture Preservation District (AG-P) W - Agriculture Preservation District (AG-P) S - Agriculture Preservation District (AG-P) E - Agriculture Preservation District (AG-P)
Utilities:	BDM water
Ordinance:	Brown County Ordinance 4.0604
Report by:	Scott Bader

*FINDINGS*

**JURISDICTION (APPROVING AUTHORITY SDCL 11-2-17.3 AND 11-2-53 (3); BCO 4.2402)**  
 The Board of Adjustment is empowered under chapter 4.24 of Brown County Ordinance to grant the special exception/conditional use and that the granting of the special exception  will OR  will not adversely affect the public interest and welfare.

**CATEGORY OF CONDITIONAL USE REQUIRING APPROVAL SDCL 11-2-17.3**

*NOT SURE WHAT THIS MEANS? IS IT THE USE THEY ARE ASKING FOR?*

**ZONING DISTRICT AVAILABILITY OF SPECIAL EXCEPTION SDCL 11-2-17.3**

PROPERTY IS ZONED AS:

Agriculture Preservation District (AG-P)

Special Exception/Conditional use permitted?  YES  No

Fit with Comprehensive Plan?  YES  No

Fit with Purpose of Zoning Ordinance and Relevant District? (see statement of intent in ordinance)

YES  No

**CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3**

BCO 4.2402 (5) - SATISFACTORY PROVISIONS AND ARRANGEMENTS (write considerations in blanks)

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Ingress and egress to this property is sufficient

(b) Off-street parking and loading areas where required, with particular attention to the items in "a" above and the economic, noise, glare or other effects of the general exception on adjoining properties and properties generally in the district;

There is sufficient off-street parking for this business.

(c) Refuse and service areas, with particular reference to the items in "a" and "b" above;

Petitioner will provide its own refuse and service area.

(d) Utilities, with reference to locations, availability, and compatibility;

Petitioner has BDM water, electric and sewer currently in place on the property.

(e) Screening and buffering with reference to type, dimensions, and character;

This property has screening (trees) on all sides of the property.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

This property will not have any signs.

(g) Required yards and other open spaces;

This property has sufficient yard and open space.

**SPECIAL EXCEPTION/CONDITIONAL USE**  
**WORKSHEET**

(h)General compatibility with adjacent property in the district

This business should be compatible with adjacent property.

**SPECIFIC RULES GOVERNING INDIVIDUAL SPECIAL EXCEPTIONS BCO 4.2402(5) (if any)**

Most don't have any. Examples that do are Mining and CAFOs

**BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS**

(a)Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

This business should not produce a fire hazard (no storing of ammunition, reloading supplies, or powder).

(b)Noise. The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

This business should produce minimal noise.

(c) Vibration. The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.

This business will not produce any vibration.

(d)Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.

This business will not create any air pollution

(e)Odors. The use shall not involve any malodorous gas or matter, which is discernible to any adjoining lot or property.

This business will not create any odors.

(f) Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

This business will not create any glare.

(g) Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. No single use or density of development should generate traffic volumes on any public street in excess of one hundred (100) vehicle trips per day per acre

This business will not create a traffic hazard.

(h) Sewer and Water. The use shall not involve an activity, which will substantially increase the burden on the water supply or cause sewage treatment problems unless provision is made for necessary adjustments.

There is currently water and sewer on the property.

(i) Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

This business will not change the character of the neighborhood.

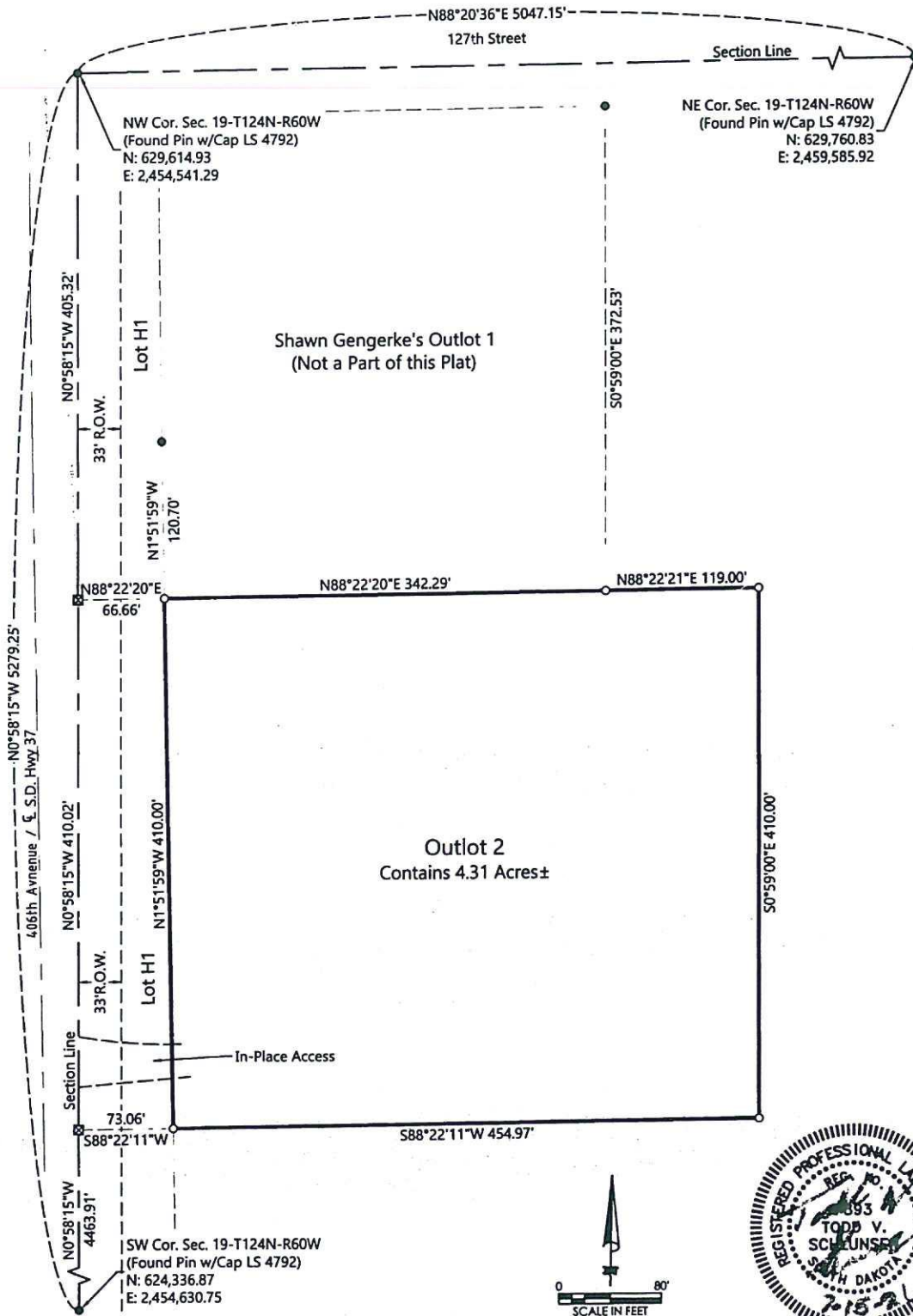
(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

This business will not adversely affect the welfare of the Community.

*SPECIAL EXCEPTION/CONDITIONAL USE*  
*WORKSHEET*

After consideration and approval of the stated findings above, the Brown County Board of Adjustment moves to  APPROVE  DENY the application for Special Exception/Conditional use.

PLAT SHOWING  
**SHAWN GENGERKE'S OUTLOT 2**  
 IN THE NW1/4 OF SECTION 19,  
 TOWNSHIP 124 NORTH, RANGE 60 WEST OF THE 5th P.M.  
 BROWN COUNTY, SOUTH DAKOTA



3314 MILWAUKEE AVE N.E.  
 SUITE 2  
 ABERDEEN, SD 57401

PH: 605.225.3494  
 www.imegcorp.com

**BASIS OF BEARINGS**  
 State Plane Grid  
 South Dakota North Zone (4001)  
 NAD '83 (2011) US Survey Feet  
 Distances are GROUND  
 Coordinates are GRID

- LEGEND**
- PIN FOUND (AS NOTED)
  - PIN SET w/CAP LS 7893
  - ⊠ CALCULATED CORNER



PLAT SHOWING  
**SHAWN GENGERKE'S OUTLOT 2**  
 IN THE NW1/4 OF SECTION 19,  
 TOWNSHIP 124 NORTH, RANGE 60 WEST OF THE 5th P.M.  
 BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE**

I, Shawn L. Gengerke, do hereby certify that I am the owner of Government Lots 1 and 2 of the Northwest Quarter (NW1/4) of Section Nineteen (19) [EXCEPT Lot H-1 and EXCEPT Shawn Gengerke's Outlot 1], Township One Hundred Twenty-Four (124) North, Range Sixty (60) West of the 5th P.M., Brown County, South Dakota, and that I have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "SHAWN GENGERKE'S OUTLOT 2 IN THE NW1/4 OF SECTION 19, TOWNSHIP 124 NORTH, RANGE 60 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

Owner: Shawn L. Gengerke

Shawn L. Gengerke  
 Signature

Signed this 28<sup>th</sup> day of July, 2021.

COUNTY OF Brown )  
 STATE OF South Dakota ) SS

On this the 28<sup>th</sup> day of July, 2021, before me, Jeanette McClain the undersigned officer, personally appeared "Shawn L. Gengerke" known to me or satisfactorily proven to be the person whose name "Shawn L. Gengerke", subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: September 4, 2024

Jeanette McClain  
 Notary Public

**SURVEYOR'S CERTIFICATE**

I, Todd V. Schlunsen, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted "SHAWN GENGERKE'S OUTLOT 2 IN THE NW1/4 OF SECTION 19, TOWNSHIP 124 NORTH, RANGE 60 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 15 day of July, 2021.



**HIGHWAY APPROVAL**

"Access to S.D. Hwy 37 is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09-01:02."

Signed this 12<sup>th</sup> day of August, 2021.

Robert J. Ward  
 Highway or Street Authority

**COUNTY PLANNING COMMISSION APPROVAL**

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the 17<sup>th</sup> day of August, 2021.

David North  
 Secretary of County Planning Commission  
 Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "SHAWN GENGERKE'S OUTLOT 2 IN THE NW1/4 OF SECTION 19, TOWNSHIP 124 NORTH, RANGE 60 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

**COUNTY COMMISSION APPROVAL**

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the 24 day of August, 2021.

Cathy M. Wittke  
 County Auditor  
 Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "SHAWN GENGERKE'S OUTLOT 2 IN THE NW1/4 OF SECTION 19, TOWNSHIP 124 NORTH, RANGE 60 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."



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PLAT SHOWING  
**SHAWN GENGERKE'S OUTLOT 2**  
IN THE NW1/4 OF SECTION 19,  
TOWNSHIP 124 NORTH, RANGE 60 WEST OF THE 5th P.M.  
BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this 29 day of July, 2021.

Cynthia J. Meyer, ch. Deptreasurer  
County Treasurer  
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this 12 day of August, 2021.

Bruce Kusler CAA  
Director of Equalization  
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this 2nd day of September, 2021, at 8:56 O'clock A.M., and duly recorded as Hanging Plat No. 3754

Michelle Danner, Deputy  
Register of Deeds  
Brown County, South Dakota

INSTRUMENT NO. 202105572  
BOOK: 2 PLAT  
PAGE: 3754

Pages: 3

2021/09/02 08:56:39 AM

ROBERTA NICHOLS, REGISTER OF DEEDS  
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 60.00  
Return To: FILED



3314 MILWAUKEE AVE N.E.  
SUITE 2  
ABERDEEN, SD 57401

PH: 605.225.3494  
www.imegcorp.com

# Brown County Zoning Office

(for reference use only)



# Brown County Zoning Office

(for reference use only)



Shawn & Lara Gengerke  
12702 406<sup>th</sup> Avenue  
Groton SD 57445

Riverside Township  
C/O Grant Rix  
12960 406<sup>th</sup> Avenue  
Groton SD 57445

Gengerke Farms, Inc.  
PO Box 721  
Groton SD 57445

Norman Gengerke  
12951 405<sup>th</sup> Avenue  
Groton SD 57445

Rix Enterprises Inc.  
12755 406<sup>th</sup> Avenue  
Groton SD 57445

**AFFIDAVIT OF  
PUBLICATION**

STATE OF SOUTH DAKOTA §  
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County  
Gengerke Conditional Use Application  
Published June 5, 2024 for \$12.26  
Invoice No. 23347**

*Tina Kosel*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

*Paul I. Kosel*

\_\_\_\_\_  
Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel  
Print or Type Name of Notary Public

My Commission Expires January 24, 2030  
Bond Number: 107962682



**NOTICE OF HEARING**  
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Shawn Gengerke  
Legal description of property: "Shawn Gengerke's Outlot 1" in the NW1/4 of Section 19-124N-R65W of the 5th P.M., Brown County, South Dakota (40605 127th Street; Riverside Twp.).

Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 5th day of June 2024.  
Planning/Zoning Commission and  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$12.26 may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23347



**NOTICE OF HEARING**  
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: WEB Water Development Association, Eric Hansen  
Legal description of property: Lot 2, "WEB Water Development 1st Subdivision" in the N1/2 of Section 21-123N-R64W of the 5th P.M., Brown County, South Dakota (3845 Hwy 12 West; Aberdeen Twp.).

Reason: A Conditional Use Petition (CUP) to put up a 40' x 80' pole barn for cold storage in a Heavy Industrial District (H-I).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 5th day of June 2024.  
Planning/Zoning Commission and  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$13.51 may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23348



**NOTICE OF HEARING**  
Application has been made to the Brown County Planning/Zoning Commission for a **VARIANCE PETITION**. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex on Tuesday, June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Marvin and Gweneth Hansen Family Trust / Shelly Schwab, P.O.A.  
Description of property: Proposed Lot 1, "Marvin and Gweneth Hansen First Addition" in the NW1/4 of the NE1/4 of Section 6-128N-R61W of the 5th P.M., Brown County, South Dakota (40055 100th Street; Liberty Twp.).

Reason: Variance to Lot Size in an AG-P District to allow Lot 1 to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per Brown County Ordinances 4.0605.

The public is invited to attend the hearing to present comments and testimony regarding the proposed Variance to Lot Size request.

Dated this 5th day of June 2024.  
Planning/Zoning Commission &  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$13.49 may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23349



**NOTICE OF HEARING**  
Application has been made to the Brown County Planning/Zoning Commission for a **VARIANCE PETITION**. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex on Tuesday, June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Troy & Rebecca Woehl  
Description of property: Proposed Lot 9, "Howling Woods Subdivision" in the SW1/4 of Section 22-123N-R64W of the 5th P.M., Brown County, South Dakota (2435 Howling Woods Lane; Aberdeen Twp.).

Reason: Variance to Frontage Width in a M-AG District to allow proposed Lot 9 to have a frontage width of 130.71' rather than the minimum 200' required by Brown County Ordinances.

The public is invited to attend the hearing to present comments and testimony regarding the proposed Variance to Lot Size request.

Dated this 5th day of June 2024.  
Planning/Zoning Commission &  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$12.88 may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23350



**NOTICE OF HEARING**  
Application has been made to the Brown County Planning/Zoning Commission for an **APPEAL OF STANDARD APPROACH WIDTHS**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Ochsner Real Estate LP II  
Description of property: "Mead's Outlot D" in the E1/2 of Section 20-123N-R64W of the 5th P.M., Brown County, South Dakota (38390 West Highway 12; Aberdeen Twp.).

Reason: A Variance to Approach Width in a Heavy Industrial District (H-I) to have a 125'-0" wide approach rather than the 45'-0" wide standard approach width in Brown County to facilitate large truck access to their building.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 5th day of June, 2024.  
Planning/Zoning Commission and  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$13.18 may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23351



**NOTICE OF HEARING**  
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex on June 18, 2024, at 7:00 P.M.

Petitioner: Arlene Webb  
Description of property: Proposed Lot 1, "Beving-Webb Addition" in the SE1/4 of Section 13-123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue; Merder Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition.

At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.  
Dated this 5th day of June 2024.  
Planning/Zoning Commission and  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23352



**NOTICE OF HEARING**  
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: TC Wright Trust / Dennis Jones / Chad & Jean Ferguson  
Description of property: Lot 1 & 2, "Wright Third Subdivision" in the NE1/4 of Section 7-123N-R62W and Lot 1 & 2, "Jones-Wright Addition" in the E1/2 of Section 7-123N-R62W, all of the 5th P.M., Brown County, South Dakota (13121, 13145, 13149, 13153 395th Avenue, Bath Twp.).

Reason: Rezone 3 parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) and 1 parcel from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) to bring these parcels into compliance for their current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition.

At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 5th day of June 2024.  
Planning/Zoning Commission and  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23353

At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 5th day of June 2024.  
Planning/Zoning Commission and  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23353

At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 5th day of June 2024.  
Planning/Zoning Commission and  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
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Dated this 5th day of June 2024.  
Planning/Zoning Commission and  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23353

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Dated this 5th day of June 2024.  
Planning/Zoning Commission and  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23353

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Dated this 5th day of June 2024.  
Planning/Zoning Commission and  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23353

— King Crossword —  
Answers

Solution time: 21 mins.



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**King Crossword**

- ACROSS**
- 1 Haunting
  - 6 Seizes
  - 11 Cancels
  - 12 More apt to seep
  - 14 April 1 gags
  - 15 Consult
  - 16 Scrooge portrayer Alastair
  - 17 Feudal workers
  - 19 Oahu, for one (Abbr.)
  - 20 Nobel Prize subj.
  - 22 San Francisco's — Hill
  - 23 Sufficient, informally
  - 24 Philosopher Kierkegaard
  - 26 Droning reed
  - 28 Tease
  - 30 USO patrons
  - 31 Flood protection
  - 35 "Cabaret" director Bob
  - 39 Tactic
  - 40 Pantheon member
  - 42 Future doc's exam
  - 43 Gore and Green
  - 44 Bamboozles
  - 46 Med. plan option

1	2	3	4	5	6	7	8	9	10
11					12				13
14					15				
16			17	18			19		
20		21		22			23		
24			25		26		27		
			28		29		30		
31	32	33		34		35	36	37	38
39				40		41		42	
43				44			45		46
47			48			49		50	
51						52			
			53					54	

- DOWN**
- 7 "— shabby!"
  - 47 Take it slow
  - 51 Saunter
  - 52 Andean pack animals
  - 53 Rescued
  - 54 Austin native
  - 6 Course load?
  - 7 Aussie hoppers
  - 8 Dye type
  - 9 Two-piece suit
  - 10 Establishes
  - 11 Basilica areas
  - 13 Husband of Pocahontas
  - 18 Filch
  - 21 Hardly hip
  - 23 — salts
  - 25 Pen tip
  - 27 Computer image, briefly
  - 29 Novelist Enid
  - 31 Bridges
  - 32 Doles out
  - 33 Cosa —
  - 34 Sticky stuff
  - 36 Blueprint, e.g.
  - 37 Pacific islander
  - 38 Short jackets
  - 41 Resided
  - 44 Only
  - 45 Auction
  - 48 "Mazel —!"
  - 50 Jazz band instrument

— Weekly SUDOKU —  
Answer

2	6	9	4	8	7	3	1	5
3	1	7	2	9	5	4	8	6
8	4	5	3	6	1	2	7	9
9	2	1	5	7	8	6	4	3
5	3	8	6	2	4	7	9	1
6	7	4	1	1	1	1	1	1

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# STAFF REPORT

*Meeting: June 18, 2024 - Postponed to July 16, 2024*

---

## ***BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)***

***APPEAL TO STANDARD APPROACH WIDTH***  
*along Brown County Highways*

***OLD BUSINESS #4***

---

### **GENERAL INFORMATION:**

OWNER:	Ochsner Real Estate LP II
PETITIONER:	Jake Ochsner
REQUEST:	<b>APPEAL TO STANDARD APPROACH WIDTH ALONG BROWN COUNTY HIGHWAYS</b>
LEGAL DESCRIPTION:	"Mead's Outlot D" in the E1/2 of Section 20- T123N-R64W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
ADDRESS:	38390 West Highway 12
TOWNSHIP:	Aberdeen Twp
EXISTING ZONING:	Heavy Industrial District (H-I)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Highway Commercial District (HC)
West:	Heavy Industrial District (H-I) & Highway Commercial District (HC)
East:	Heavy Industrial District (H-I)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Scott Bader

**GENERAL COMMENT:** This item was postponed from the June 18, 2024 meeting with the Board of Adjustment requesting the petitioner to come back with a better plan. The petitioner has requested to **withdraw** their APPEAL to standard approach width.

**GENERAL REVIEW:** Staff has reviewed this request.




# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR APPEAL

DATE: May 30, 2024  
RECEIPT # 821976  
TOWNSHIP: Aberdeen Twp

FEES: \$300.00  
PAID: YES/NO CHK/CASH  
DATE: May 31, 2024

OWNERS SIGNATURE: Todd Ochsner  
OWNERS ADDRESS: 38390 W Hwy 12  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-228-6100

AGENTS SIGNATURE: Jake Ochsner  5-31-24  
AGENTS ADDRESS: 38390 W Hwy 12  
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401  
AGENTS PHONE: 605-290-1001

**REQUEST:** Appeal of standard approach widths along Brown County Highways.  
The standard approach width is 45'-0". They were granted a maximum width of 60'-0".  
They want the approach to be 125'-0" wide for their building access.

**LEGAL DESCRIPTION:** "Mead's Outlot D" in the E1/2 of Section 20-T123N-R64W  
of the 5th P.M., Brown County, South Dakota  
(38390 W Hwy 12, Aberdeen Twp.)

**SIGNATURE:** \_\_\_\_\_

**Planning Commission Action:** Approved / Denied \_\_\_\_\_

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Postponed to July 16, 2024

**HEARING DATE:** ~~June 18, 2024~~ **TIME:** 7:00 pm

**MEETING:** located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov


# BROWN COUNTY PLANNING & ZONING COMMISSION

APPROVED  
BY: CSE DATE: 4/16/24

## APPLICATION FOR VARIANCE

DATE: March 22, 2024 FEES: \$125.00  
RECEIPT # 821909 PAID: YES/NO CHK/CASH  
TOWNSHIP: Aberdeen Twp. DATE: March 27, 2024

OWNERS SIGNATURE: Ochsner Real Estate LP II  
OWNERS ADDRESS: 13350 379th Avenue  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: (605) ~~725-3676~~ (Jake Ochsner) 290-1001  
Todd - 605-228-6100

AGENTS SIGNATURE: Jacob Ochsner   
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

**REQUEST:** The Petitioner is requesting a Variance to Building Setbacks in a Heavy Industrial District (H-I) to have a 50'-0" Front Yard Setback rather than the 100'-0" setback required by Brown County Ordinance for new office and shop buildings.

**LEGAL DESCRIPTION:** "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.)

**Planning Commission Action:** Approved / Denied On 4/24/2024, the Brown County Board of Adjustment approved a  
Variance to Setbacks to have a 50' Front Yard Setback measured from the property line rather than the  
100' setback required by Brown County Ordinances in a Heavy Industrial District (HC).

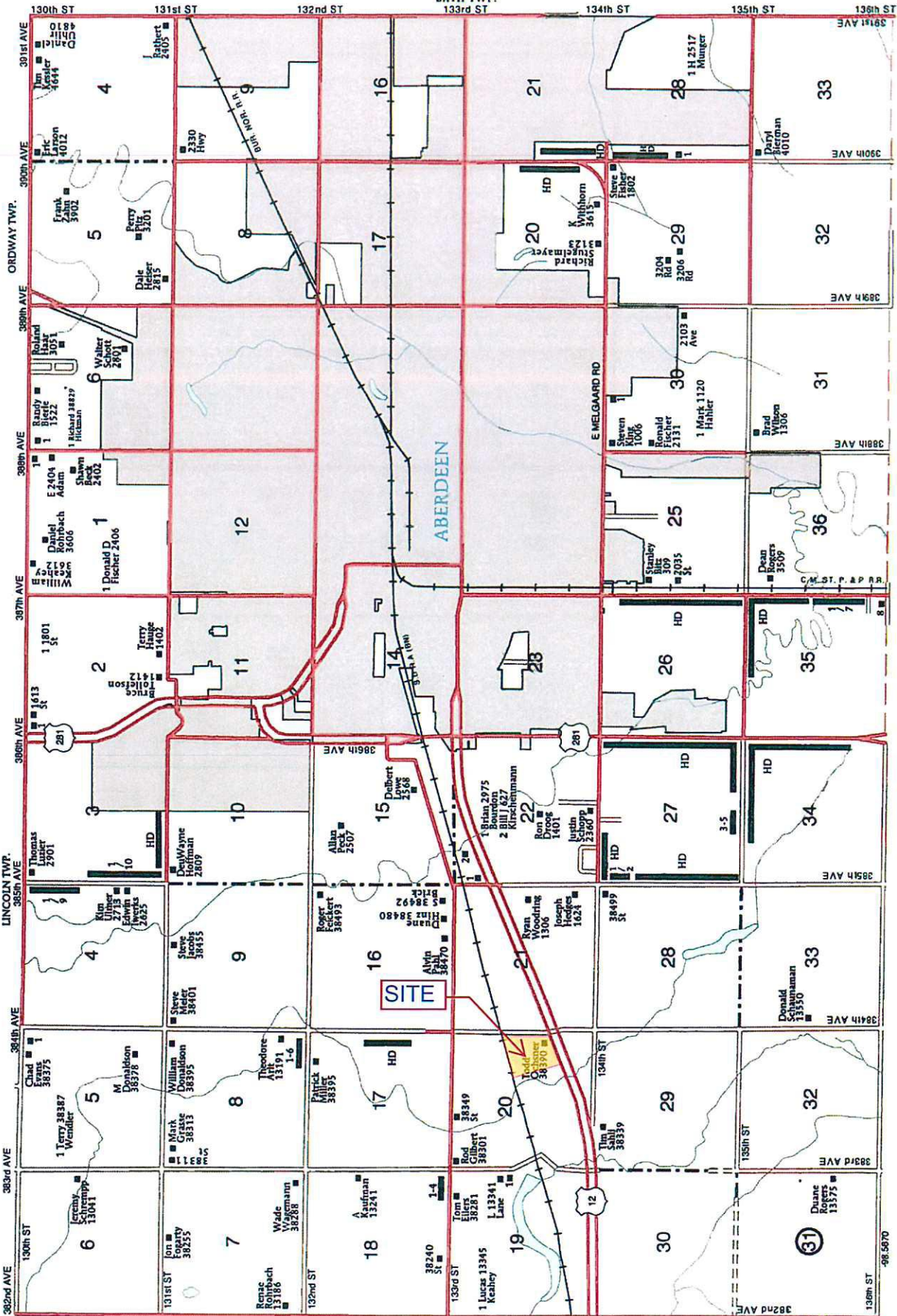
By: Chris Anderson Date: April 18, 2024

HEARING DATE: April 16, 2024 TIME: 7:00 pm

**MEETING:** located in the Basement Community Room of the Court House Annex  
25 Market Street • Aberdeen, South Dakota 57401-4203  
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

(Real Estate - Owners or Renters)

BATH TWP.



SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

© Farm & Home Publishers, Ltd.

MERCIER TWP.

## NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for an APPEAL OF STANDARD APPROACH WIDTHS. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Ochsner Real Estate LP II

Description of property: "Mead's Outlot D" in the E1/2 of Section 20-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38390 West Highway 12, Aberdeen Twp.).

Reason: A Variance to Approach Width in a Heavy Industrial District (H-I) to have a 125'-0" wide approach rather than the 45'-0" wide standard approach width in Brown County to facilitate large truck access to their building.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

*Dated this 5th day of June, 2024*

Planning/Zoning Commission and  
Scott Bader – P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144

Published once at the total approximate cost of \_\_\_\_\_.

(Ochsner)  
VARIANCE FINDINGS WORKSHEET

<b>Prong One</b>			
<i>Whether granting the variance runs counter to the public interest?</i>			
Consider the entire public— <i>not</i> just the neighbors	Findings		
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
2. Does it conform to the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
4. Does it conform to the comprehensive plan currently in place?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
<b>Prong Two</b>			
<i>Whether special conditions exist to grant a variance?</i>			
Physical conditions— <i>not</i> money or econ hardship	Findings		
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It <b>must</b> be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Petitioner is asking for a 125' wide approach to facilitate large trucks. If approved, this would be the largest approach in Brown County. The standard width for an approach in Brown County is 45'.  GLE Ethanol & Agtegra are "double businesses at the property lines" on BC Hwy 12W. Their approaches are 50' for each business, sitting side-by-side with a divider between.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship?  *That does <b>not</b> mean money, econ hardship, or allowing a use that's prohibited ( <i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

2-198-E

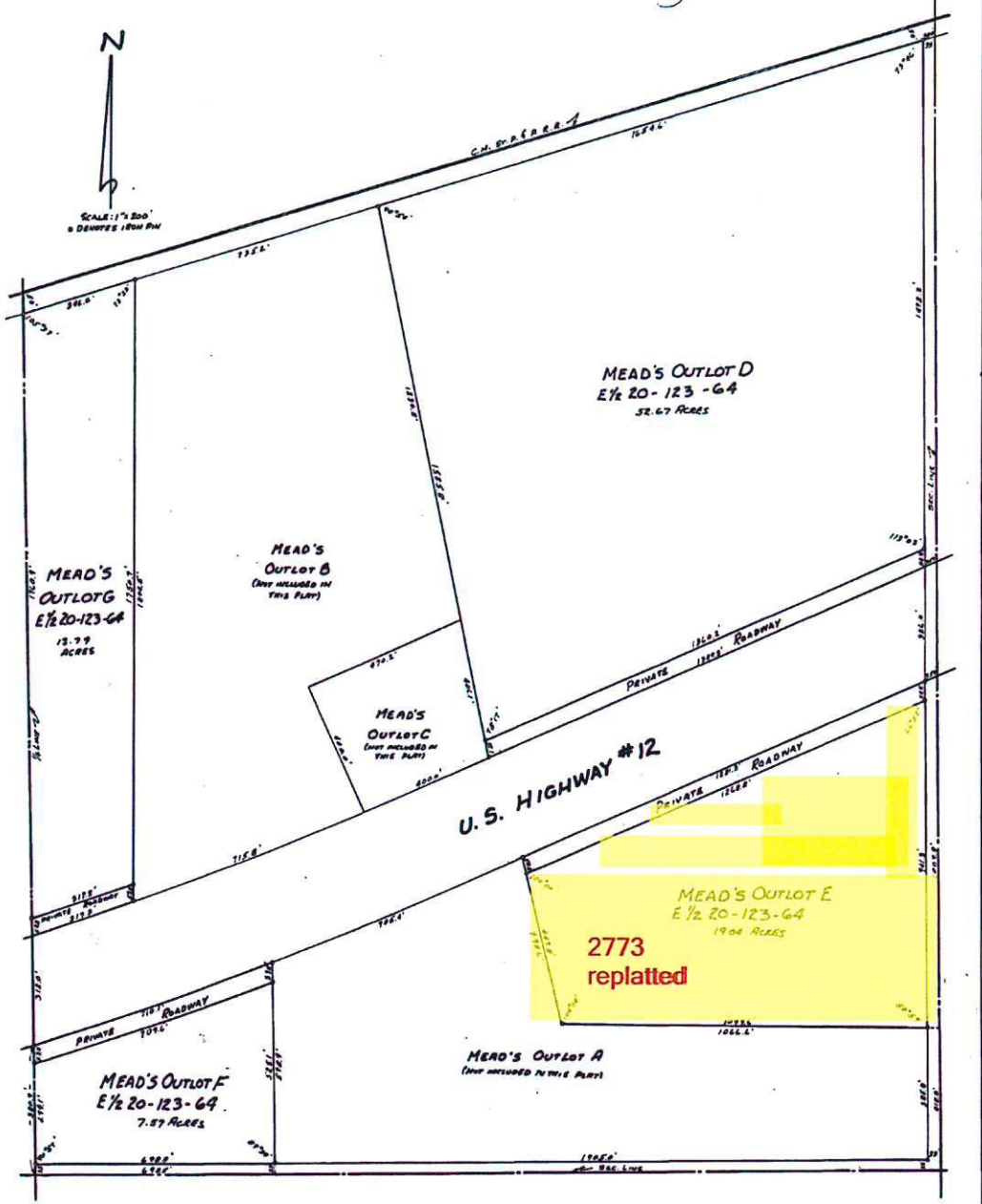
152

CO PRODUCTS • NEW HOPE, MINNESOTA  
RECORD BY PLAT NUMBER 8122

SARCO PRODUCTS • NEW HOPE, MINNESOTA  
RECORD BY PLAT NUMBER 8122

SARCO PRODUCTS • NEW HOPE, MINNESOTA  
RECORD BY PLAT NUMBER 8122

PLAT Showing  
MEAD'S OUTLOTS D, E, F, & G IN THE EAST 1/2 OF SEC. 20-123-64  
BROWN COUNTY, SOUTH DAKOTA



Certificates for  
MEAD'S OUTLOTS D, E, F & G IN THE EAST 1/2 OF SEC. 20,  
T. 123 N., R. 64 W., BROWN COUNTY, S. DAK.

OWNER'S CERTIFICATE

We, Henry A. Mead and Alta D. Mead, do hereby certify that we are the owners of the unplatted portion of the East 1/2 of Section 20, Township 123 North, Range 64 West of the Fifth Principal Meridian, in Brown County, South Dakota lying south of the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railway, and that we have caused the same to be surveyed and platted as shown on the accompanying plat, which shall hereafter be known and described as "Mead's Outlot D in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," containing 32.97 acres, more or less, "Mead's Outlot E in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," containing 19.04 acres, more or less, "Mead's Outlot F in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," containing 7.37 acres, more or less, and "Mead's Outlot G in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," containing 13.79 acres, more or less.

Signed this 21st day of September, 1972.

Henry A. Mead  
Owner

Alta D. Mead  
Owner

State of South Dakota  
County of Brown

On this 21st day of Sept, 1972, before me, a Notary Public, personally appeared Henry A. Mead and Alta D. Mead, known to me to be the persons described in and who executed the within instrument, and who acknowledged to me that they executed the same.

My commission expires:  
Notary Public, State of South Dakota  
My Commission Expires Sept. 9, 1974

William D. Stollner  
Notary Public

SURVEYOR'S CERTIFICATE

I, William D. Stollner, Registered Land Surveyor, do hereby certify that, at the request of the owners, I have surveyed and platted "Mead's Outlots D, E, F and G in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," as shown on the accompanying plat, that I have set iron pins as shown thereon, and that said survey and plat are true and correct.

Signed this 12th day of June, 1972.

William D. Stollner  
Registered Land Surveyor #290

State of South Dakota  
County of Brown

On this 12th day of June, 1972, before me, a Notary Public, personally appeared William D. Stollner, known to me to be the person described in and who executed the within instrument, and who acknowledged to me that he executed the same.

My commission expires:  
Notary Public, State of South Dakota  
My Commission Expires Oct. 12, 1975

Marabel C. Vachek  
Notary Public, Brown County, South Dakota

PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the City Plan Commission of Aberdeen, South Dakota at a meeting held on the 21 day of June, 1972.

William D. Stollner  
City Auditor, Aberdeen, South Dakota

"Be it resolved by the City Plan Commission of Aberdeen, South Dakota, that the plat showing "Mead's Outlots D, E, F and G in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments thereof."

APPROVAL BY CITY

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Aberdeen, South Dakota at a meeting held on the 27 day of June, 1972.

William D. Stollner  
City Auditor, Aberdeen, South Dakota

"Be it resolved by the Board of Commissioners of Aberdeen, South Dakota, that the plat showing "Mead's Outlots D, E, F and G in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

APPROVAL BY COUNTY

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Brown County, South Dakota at a meeting held on the 27 day of July, 1972.

Richard J. Hunsicker  
County Auditor, Brown County, South Dakota

"Be it resolved by the Board of Commissioners of Brown County, South Dakota, that the plat showing "Mead's Outlots D, E, F and G in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in the accompanying plat are shown by the records of my office to be fully paid.

Signed this 27 day of July, 1972.

Richard J. Hunsicker  
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I hereby certify that I have received a copy of the accompanying plat this 27 day of July, 1972.

James C. Anderson  
Director of Equalization, Brown County, S.D.

REGISTER OF DEEDS' CERTIFICATE

Filed for record this 25 day of Sept, 1972, at 10 o'clock A.M., and duly recorded in Book of Plate No. 2, in envelope 198-E therein.

James C. Anderson  
Register of Deeds, Brown County, South Dakota

**Brown County Highway Department  
Application for Permit to Construct Access Approach**

The undersigned hereby makes application for permission to construct an access approach described as: **Meads Outlot "D" in the E1/2 of Section 20 - T123N - R64W**  
County Highway: #19 Approximate location: NW corner at intersection of US Hwy 12 & 384th Avenue (38390 Hwy 12 W)

For the purpose of serving: Closing the south approach off; using the north approach only; Widen existing north approach from 35' to 60' maximum

The approach is to be constructed to a width of not less than 24' at the tops of the approach with a slope of 4: 1 ratio. A 24" (inch) diameter culvert will be installed in the 60' approach by owner per/Brown County Highway Department Superintendent: Other requirements: Clay, gravel, top soil, culverts and labor are provided by the landowner.

**Special Note: All approach work must be completed within 1 year from date of application or a new application must be made.**

If two (2) similar approaches are to be constructed, they must be a minimum of five hundred feet (500') apart and standard ditch section maintained between approaches.

I, the undersigned, request permission to construct an access approach on public right-of-way at the above location subject to the rules and regulations set forth. It is understood that the construction of the approach be in a safe manner so as not to interfere with or endanger public travel and to perform all work in a workmanlike manner using materials acceptable to the Brown County Highway Department Superintendent and that the right-of-way will be cleaned and left in a condition equal to or better than the original condition. The construction and furnishing of the culvert needed, and any other materials needed will be done by the applicant and at his own expense and also the work is to be done under the supervision and to the satisfaction of the Brown County Highway Department Superintendent. Applicant accepts all responsibility of damages, expenses, claims, and all liabilities of work or existence of said approach. Applicants must notify the Brown County Highway Department Superintendent when the approach is finished, so it can be inspected.

Todd Ochsner  
Print Name  
13350 379th Avenue  
Address  
Aberdeen, SD 57401  
City/State/Zip  
605-228-6100  
Phone/Cell Phone

**NO FEE FOR ALTERING EXISTING**  
~~\$50.00~~ Fee. Please attach copy of check)

Check #               Date         

Receipt#         

Date 5-3-2024

-----  
Applicants Signature

 **VOID**



Culvert Required: 18" MIN. X Yes \_\_\_\_\_ No

PER MATT & DIRK by PHONE CONV. Date APRIL 17, 24  
Brown County Highway Superintendent Signature

Remarks: Petitioner is planning on building a 180' x 140' shop and a 100' x 70' office and would like to widen the existing driveway to accommodate future traffic flow needs. HIGHWAY DEPT SAYS 60' MAXIMUM WIDTH APPROACH

[Signature] Date APRIL 17, 24  
Planning & Zoning Commission Signature

The approach permit is granted with the conditions stated in herein this 17 day of APRIL, 2024.

#### Section 4.2208 – Approach Permit

No approach shall be constructed upon any County Road or Highway without an approach permit issued by the Zoning Administrator. No approach permit shall be issued by the Zoning Administrator except in conformity with the below criteria, unless he/she received a written order from the Board of Adjustment in the form of a variance as provided by this Ordinance.

#### The Criteria for Approaches Shall:

- Have no two (2) approaches closer than five hundred (500') feet apart.
- Not to be located on the crest of a hill nor other location where sight visibility will be impaired.
- Have a slope of four (4) to one (1).
- Have a minimum driving width of twenty-four (24') feet.
- Require the final approval of the Brown County Highway Department Superintendent is a culvert is to be installed.

DOUBLE-WALL (HDPE) POLY PIPE MAY BE USED AS WELL AS CORRUGATED METAL PIPE (CMP).

Culvert Required: ✓ 18" Yes \_\_\_\_\_ No \_\_\_\_\_  
[Signature] Date 4.22.24  
Brown County Highway Superintendent Signature

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_  
Planning & Zoning Commission Signature

The approach permit is granted with the conditions stated in herein this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

**Section 4.2208 – Approach Permit**

No approach shall be constructed upon any County Road or Highway without an approach permit issued by the Zoning Administrator. No approach permit shall be issued by the Zoning Administrator except in conformity with the below criteria, unless he/she received a written order form the Board of Adjustment in the form of a variance as provided by this Ordinance.

**The Criteria for Approaches Shall:**

- Have no two (2) approaches closer than five hundred (500') feet apart.
- Not to be located on the crest of a hill nor other location where sight visibility will be impaired.
- Have a slope of four (4) to one (1).
- Have a minimum driving width of twenty-four (24') feet.
- Require the final approval of the Brown County Highway Department Superintendent is a culvert is to be installed.

5-3-24  
Jake Ochsner rejected  
and voided this  
approach - he wanted  
to open to a width of  
100' instead of 60'  
  
Chris  
Anderson

## **Bader, Scott**

---

**From:** Rogers, Dirk  
**Sent:** Wednesday, May 22, 2024 11:34 AM  
**To:** 'Jake Ochsner'  
**Cc:** Bader, Scott; Aldentaler, Ross  
**Subject:** RE: Approaches For TDO

The 60' foot rule is a highway policy. It is not in ordinance. The fact that you are still pushing this shows that you have no intent of following any of my recommendations. My recommendation is for a 60' wide approach and no variance.

Dirk  
Brown County Highway

**From:** Jake Ochsner <jake@concordgrain.com>  
**Sent:** Wednesday, May 22, 2024 9:34 AM  
**To:** Rogers, Dirk <Dirk.Rogers@browncounty.sd.gov>  
**Subject:** Approaches For TDO

You don't often get email from [jake@concordgrain.com](mailto:jake@concordgrain.com). [Learn why this is important](#)

Dirk,

We are going to need to file for a variance for 1-2 new approaches on 384th Ave depending on which option we go with. Looking at the Brown County ordinances, I do not see anything restricting the maximum width of an approach. However, we will need a variance as the approaches will be within 500' of each other. We would like to take the approach next to the highway out as moving the approach farther north would be safer for all. I wanted to get your input before we do anything. Do you have an option that would work better for the county? Do you have any recommendations that we could consider?

Thanks,

### **Jake Ochsner**

Office: (605)725-3276

Cell: (605)290-1001

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## Anderson, Chris

---

**From:** Bader, Scott  
**Sent:** Wednesday, May 15, 2024 10:50 AM  
**To:** Anderson, Chris  
**Subject:** RE: Jake Ochsner

No, 100' is all I'm going to request because it is our largest approach for a "double business at property lines" at GLE Ethanol & Agtegra on BC Hwy 12W.

This is a 50' approach for each business sitting side-by-side with a divider between them. The standard is 45' and Jake was offered 60' and then he is requesting 100' for an individual business. I'm not going larger than that.

Go into the application and letters to put just 45' in there and delete the 60' (45'/60' becomes 45'). My fault. I don't like both.

*Scott Bader*

---

**From:** Anderson, Chris <Chris.Anderson@browncounty.sd.gov>  
**Sent:** Wednesday, May 15, 2024 10:34 AM  
**To:** Bader, Scott <Scott.Bader@browncounty.sd.gov>  
**Subject:** Jake Ochsner

Scott:

Jake now wants 125' rather than 100'.

I told him I had to check with you and someone would call him back.

*Chris Anderson, P & Z Specialist*  
Brown County Planning and Zoning  
25 Market Street  
Aberdeen SD 57401  
(605) 626-7144

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Ochsner Real Estate LP II  
13350 379<sup>th</sup> Avenue  
Aberdeen, SD 57401

Artz Equipment  
38399 West Highway 12  
Aberdeen, SD 57401

Aberdeen Township  
C/O David Feickert  
38382 132<sup>nd</sup> Street  
Aberdeen, SD 57401

Bonnie Clausen  
38398 134<sup>th</sup> Street  
Aberdeen, SD 57401

Hub City Energy LLC  
301 20<sup>th</sup> Avenue SE  
Watertown, SD 57201

Jeffery Walth  
PO Box 2071  
Aberdeen, SD 57402-2017

Soho Properties  
12944 Ironwood Drive  
Aberdeen, SD 57401

Aberdeen Storage LLC  
10301 Wayzata Blvd; Suite 200  
Hopkins, MN 55305

Performance Rentals LLC  
1631 Northview Lane  
Aberdeen, SD 57401

WEB Water Development  
PO Box 51  
Aberdeen, SD 57402-0051

Performance Oil  
38420 West Highway 12  
Aberdeen, SD 57401

Simplot Grower Solutions  
PO Box 9168  
Boise, ID 93707

Jonathan & Cindy Swenson  
2522 Water View Drive  
Aberdeen, SD 57401

**AFFIDAVIT OF  
PUBLICATION**

STATE OF SOUTH DAKOTA §  
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County  
Oshsner Approach Appeal  
Published June 5, 2024 for \$13.18  
Invoice No. 23351**

*Tina Kosel*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

*Paul I. Kosel*

\_\_\_\_\_  
Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel  
Print or Type Name of Notary Public

My Commission Expires January 24, 2030  
Bond Number: 107962682



**NOTICE OF HEARING**  
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

**Petitioner:** Shawn Gengerke  
**Legal description of property:** "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.).  
**Reason:** A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.  
Dated this 5th day of June 2024.

Planning/Zoning Commission and  
**Scott Bader - P&Z Director**  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$12.26 may be viewed free of charge at [www.sdpublishnotices.com](http://www.sdpublishnotices.com). 23347



**NOTICE OF HEARING**  
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

**Petitioner:** WEB Water Development Association, Eric Hansen  
**Legal description of property:** 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 (38W56 Hwy 12 West; Aberdeen Twp.).  
**Reason:** A Conditional Use Petition (CUP) to put a 40' x 80' pole barn for cold storage in a Heavy Industrial District (H-I).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.  
Dated this 5th day of June 2024.

Planning/Zoning Commission and  
**Scott Bader - P&Z Director**  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$12.57 may be viewed free of charge at [www.sdpublishnotices.com](http://www.sdpublishnotices.com). 23348



**NOTICE OF HEARING**  
Application has been made to the Brown County Planning/Zoning Commission for a **VARIANCE PETITION**. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex on Tuesday, June 18, 2024, at 7:00 P.M.

**Petitioner / Owner:** Marvin and Gweneth Hansen Family Trust / Shelly Schwab, R.O.A.  
**Description of property:** 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.).  
**Reason:** Variance to Lot Size in an AG-P District to allow Lot 1 to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per Brown County Ordinance 4.0605.

The public is invited to attend the hearing to present comments and testimony regarding the proposed Variance to Lot Size request.  
Dated this 5th day of June 2024.

Planning/Zoning Commission &  
**Scott Bader - P&Z Director**  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$13.49 may be viewed free of charge at [www.sdpublishnotices.com](http://www.sdpublishnotices.com). 23349



**NOTICE OF HEARING**  
Application has been made to the Brown County Planning/Zoning Commission for a **VARIANCE PETITION**. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex on Tuesday, June 18, 2024, at 7:00 P.M.

**Petitioner / Owner:** Troy & Rebecca Woehl  
**Description of property:** 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.).  
**Reason:** Variance to Frontage Width in a M-AG District to allow proposed Lot 9 to have a frontage width of 130.71' rather than the minimum 200' required by Brown County Ordinances.

The public is invited to attend the hearing to present comments and testimony regarding the proposed Variance to Lot Size request.  
Dated this 5th day of June 2024.

Planning/Zoning Commission &  
**Scott Bader - P&Z Director**  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$12.88 may be viewed free of charge at [www.sdpublishnotices.com](http://www.sdpublishnotices.com). 23350



**NOTICE OF HEARING**  
Application has been made to the Brown County Planning/Zoning Commission for an **APPEAL OF STANDARD APPROACH WIDTHS**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

**Petitioner / Owner:** Ochsner Real Estate LP II  
**Description of property:** "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.).  
**Reason:** A Variance to Approach Width in a Heavy Industrial District (H-I) to have a 125'-0" wide approach rather than the 45'-0" wide standard approach width in Brown County to facilitate large truck access to their building.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.  
Dated this 5th day of June, 2024

Planning/Zoning Commission and  
**Scott Bader - P&Z Director**  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$13.18 may be viewed free of charge at [www.sdpublishnotices.com](http://www.sdpublishnotices.com). 23351



**NOTICE OF HEARING**  
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex on June 18, 2024, at 7:00 P.M.

**Petitioner:** Arlene Webb  
**Description of property:** 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.).  
**Reason:** Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 5th day of June 2024.  
Planning/Zoning Commission and  
**Scott Bader - P&Z Director**  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at [www.sdpublishnotices.com](http://www.sdpublishnotices.com). 23352



**NOTICE OF HEARING**  
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

**Petitioner:** TC Wright Trust / Dennis Jones / Chad & Jean Ferguson

**Description of property:** Lot 1 & 2, "Wright Third Subdivision" in the NE1/4 of Section 7-T123N-R62W and Lot 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.).  
**Reason:** Rezone 3 parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) and 1 parcel from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) to bring these parcels into compliance for their current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 5th day of June 2024.  
Planning/Zoning Commission and  
**Scott Bader - P&Z Director**  
25 Market Street  
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Office: (605) 626-7144  
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at [www.sdpublishnotices.com](http://www.sdpublishnotices.com). 23353

— **King Crossword** —  
Answers

Solution time: 21 mins.



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**King Crossword**

**ACROSS**

1	2	3	4	5	6	7	8	9	10
11						12			13
14						15			
16				17	18			19	
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39				40	41	42			
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47			48			49	50		
51						52			
			53			54			

**DOWN**

1	Physicist	6	Course load?	29	Novelist Enid
2	Fermi	7	Aussie hoppers	31	Bridges
3	Captivate	8	Dye type	32	Doles out
4	Sorts	9	Two-piece suit	33	Cosa —
5	Ruhr Valley	10	Establishes	34	Sticky stuff
		11	Basilica areas	36	Blueprint, e.g.
		13	Husband of Pocahontas	37	Pacific islander
		18	Filch	38	Short jackets
		21	Hardly hip	41	Resided
		23	— salts	44	Only
		25	Pen tip	45	Auction
		27	Computer image, briefly	48	"Mazel —!"
				50	Jazz band instrument

— **Weekly SUDOKU** —  
Answer

2	6	9	4	8	7	3	1	5
3	1	7	2	9	5	4	8	6
8	4	5	3	6	1	2	7	9
9	2	1	5	7	8	6	4	3
5	3	8	6	2	4	7	9	1
6	7	4	6	1	3	2	5	8

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# STAFF REPORT

Meeting: July 16, 2024

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## **BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)**

### **VARIANCE TO BUILDING SETBACKS**

**ITEM #01**

*Lake Front Residential District (R-3)*

---

#### **GENERAL INFORMATION:**

OWNER:	Chris & Nicole Kassube
PETITIONER:	Chris & Nicole Kassube
REQUEST:	<b>VARIANCE TO SETBACKS IN A LAKE FRONT RESIDENTIAL DISTRICT (R-3)</b>
LEGAL DESCRIPTION:	Lot 31, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
ADDRESS:	127116 West Shore Drive
CITY/TOWNSHIP:	Ravinia Twp
EXISTING ZONING:	Lake Front Residential (R-3)
SURROUNDING ZONING:	
North:	Lake Front Residential (R-3)
South:	Lake Front Residential (R-3)
West:	Mini-Agriculture District (M-AG)
East:	Water (AG-P2)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

**GENERAL COMMENT:** The petitioner is requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 10'-0" West Rear Yard Setback rather than the 30'-0" Setback required by Brown County Ordinance to build a new 35' x 44' garage.

**GENERAL REVIEW:** Staff has reviewed this request.



# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: June 18, 2024  
RECEIPT # 821996  
TOWNSHIP: Ravinia Twp.

FEE: \$125.00  
PAID: YES/NO CHK/CASH  
DATE: June 18, 2024

OWNERS NAME (print): Chris & Nicole Kassube  
OWNERS SIGNATURE: C/K 6-18-2024  
OWNERS ADDRESS: 127116 W Shore Drive  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-395-7111  
OWNERS EMAIL: \_\_\_\_\_

AGENTS NAME (print): \_\_\_\_\_  
AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_  
AGENTS EMAIL: \_\_\_\_\_

**REQUEST:** Petitioner is requesting a 10'-0" West Rear Setback rather than the 30'-0" Setback required by Brown County Ordinance to build a 35' x 44' garage.

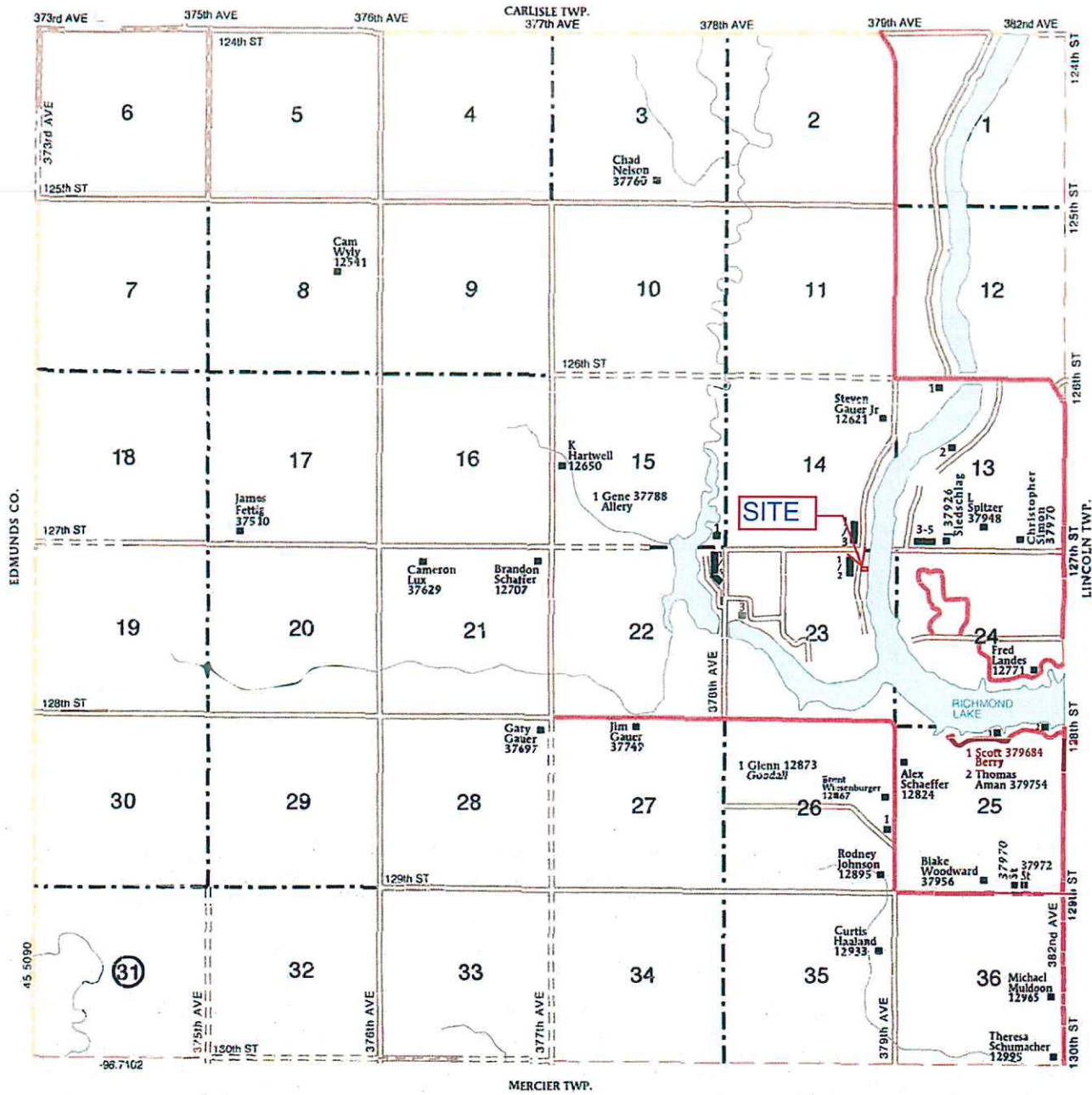
**LEGAL DESCRIPTION:** Lot 31, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota.

**Planning Commission Action:** Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

**HEARING DATE:** July 16, 2024 **TIME:** 7:00 P.M.

(Residents - Owners or Renters)



**RAVINIA TOWNSHIP**

- SECTION 13**  
 1 Kirchgester, Jim 37935  
 2 Behr, Jualln 126401  
 3 Peterson, L 37902  
 4 Wiest, Brandon 37908  
 5 Goldado, Gerald 37910
- SECTION 14**  
 1 Mishaw, Mark 126926  
 2 Lutz, Douglas 126966  
 3 126974

**SECTION 22**

- 1 Myhre, Gary 127003  
 2 Huber, S 127131  
 3 Millett, Craig 127151  
 4 Theyer, Dan 127257  
 5 Wahl, Lanny 127395
- SECTION 23**  
 1 127148  
 2 127216  
 3 Koatts, Pat 12746

## NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room of the Brown County Courthouse Annex, on Tuesday July 16, 2024, at 7:00 P.M.

Petitioner / Owner: Chris & Nicole Kassube

Description of property: Lot 31, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (127116 W Shore Drive, Ravinia Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 10'-0" Rear Yard Setback rather than the 30'-0" required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

*Dated this 3rd day of July 2024*

Planning/Zoning Commission and  
Scott Bader – P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144

Published once at the total approximate cost of \_\_\_\_\_.

# (Kassube)

## VARIANCE FINDINGS WORKSHEET

### **Prong One**

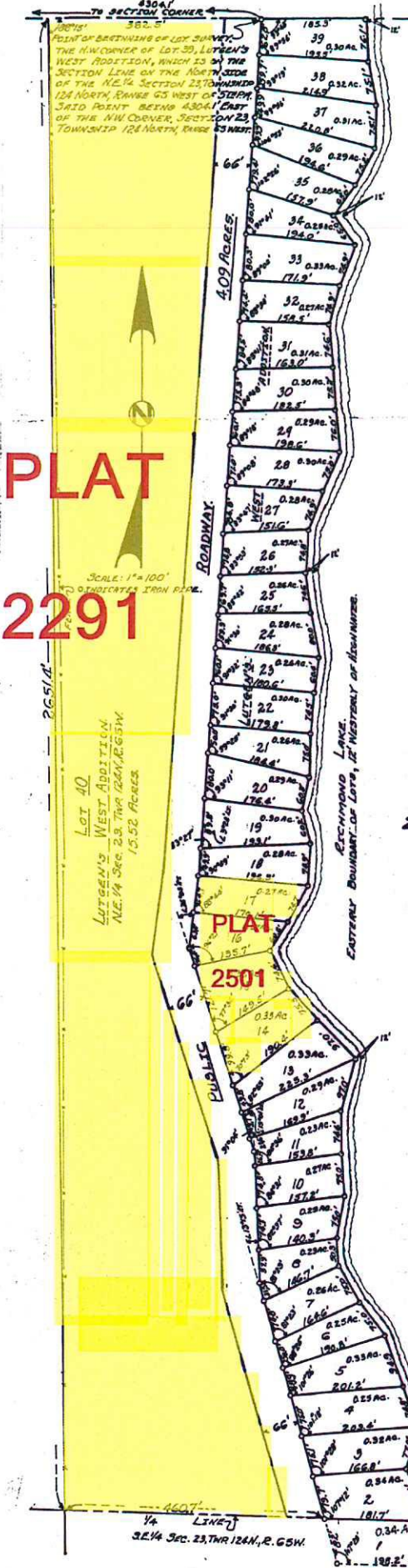
*Whether granting the variance runs counter to the public interest?*

Consider the entire public— <i>not</i> just the neighbors	Findings	
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

### **Prong Two**

*Whether special conditions exist to grant a variance?*

Physical conditions— <i>not</i> money or econ hardship	Findings	
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It <b>must</b> be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a. <b>If</b> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does <b>not</b> mean money, econ hardship, or allowing a use that's prohibited ( <i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
b. <b>If</b> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>



**OWNER'S CERTIFICATE**

We, Charles Lutgen and Joe L. Haynes, hereby certify that we are the absolute and unqualified owners of Lutgen's West Addition, containing Lots 2 through 40, located in the NE 1/4 of Section 23, Township 124 North, Range 65 West of the 5th principal meridian, Brown County, South Dakota, the boundaries as shown on the within plat. We further certify that said Lutgen's West Addition is free from any incumbrances, and that the within plat was made at our request for the purposes indicated therein, Lots 2 through 40, located in the NE 1/4 of Section 23, Township 124 North, Range 65 West of the 5th P.M., Brown County, South Dakota. The public roadway shown on the within plat, containing 4.09 acres of roadway, is hereby dedicated to the public for public use forever. Lots 2 through 40 of said Lutgen's West Addition contain 26.39 acres, as indicated on the within plat.

Date Aug 28, 1969 *Charles Lutgen, Joe L. Haynes*  
Charles Lutgen, Owner Joe L. Haynes, Owner

Acknowledgment State of South Dakota  
County of Brown

On this the 28 day of August, 1969, before me, a notary public, personally appeared Charles Lutgen and Joe L. Haynes, known to me to be the persons described in and who executed the within instrument, and who acknowledged to me that they executed the same.

My Commission expires December 31, 1974 *W. C. Brown*  
Notary Public

**Surveyor's Certificate**

I, Don A. Boyd, a Registered Land Surveyor in the State of South Dakota, do hereby certify that I have surveyed the within Addition, containing Lots 2 through 40, located in the NE 1/4 of Section 23, Township 124 North, Range 65 West of the 5th P.M., Brown County, South Dakota, as shown on the within plat, at the request of the owners, and said survey and plat is in all respects true and correct. I further certify that I have placed iron pipes in the ground at the locations indicated on the within plat. The East boundary line of Lots 2 through 39, is located twelve (12) feet Westerly of the high water line evidence at the date of this survey, 8 July 1969, of said within plat.

Date 8 August 1969 *Don A. Boyd*  
Don A. Boyd, P.L.S., S.D. No. 1030

Acknowledgment State of South Dakota  
County of Brown

On this the 08 day of August, 1969, before me, a notary public, personally appeared Don A. Boyd, known to me to be the person described in and who executed the within instrument, and who acknowledged to me that he presented the same.

My Commission expires 12 Nov 1976 *Robert W. Owens*  
Robert W. Owens, Notary Public

**Resolution by the Board of County Commissioners, Brown County, South Dakota**

On motion made and carried, the following resolution was adopted: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, in regular session assembled, that the plat of Lutgen's West Addition, containing Lots 2 through 40, located in the NE 1/4 of Section 23, Township 124 North, Range 65 West of the 5th P.M., Brown County, South Dakota, be approved this 2 day of August, 1969, in accordance with the provisions of Chapter 43-28 SDC, and all Amendments thereof."

I, Ruth Humphries, County Auditor of Brown County, South Dakota, do hereby certify that the foregoing is a true copy of the resolution adopted by the Board of County Commissioners of Brown County, South Dakota. Dated this 2 day of August, 1969.

*Ruth Humphries by Gilbert Lantieri*  
Ruth Humphries, County Auditor  
Brown County, South Dakota

**Treasurer's Certificate**

I, Bernard Larson, Treasurer of Brown County, South Dakota, hereby certify that all taxes which are liens upon any land included in the above plat are shown by the records of my office to be fully paid.

Date 8/28/69 *Bernard Larson*  
Bernard Larson, Treasurer  
Brown County, South Dakota

I, Harry Anderson, Director of Equalization, Brown County, South Dakota, hereby certify that I have compared a copy of this plat this 28 day of August, 1969.

Harry Anderson, Director of Equalization, Brown County, South Dakota  
Filed for record this 2 day of August, 1969, at 11:00 o'clock A.M.,  
S.T., and duly recorded in Book 21, Page 56, and designated as  
Plat No. 56.

*Harry Anderson*  
Harry Anderson, Register of Deeds  
Brown County, South Dakota







SITE

6H

W SHORE DR

**Chris & Nicole Kassube**

127116 W Shore Drive  
Aberdeen, SD 57401

**Ravinia Township**

Attn: Cam Wylly  
12541 376<sup>th</sup> Avenue  
Aberdeen, SD 57401

**EWC Land Co. LLC**

PO Box 98  
Columbia, SD 57433

**Jeffery & Lisa Heiser**

506 S Harvard Street  
Aberdeen, SD 57401

**Julie Poeppel**

127072 W Shore Drive  
Aberdeen, SD 57401

**Joshua & Audrey Burris**

127073 W Shore Drive  
Aberdeen, SD 57401



# AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA §  
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County  
Kassube Variance Application  
Published July 3, 2024 for \$12.57  
Invoice No. 23446**

*Tina Kosel*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the

3rd Day of July 2024

to certify which witness my hand and seal of office.

*Paul I. Kosel*

\_\_\_\_\_  
Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel  
Print or Type Name of Notary Public

My Commission Expires January 24, 2030  
Bond Number: 107962682



**JUNE 25, 2024 – GENERAL MEETING**

Meeting called to order by Chairman Sutton at 8:45 A.M. In the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Dennert, Fjeldheim, Gage, Sutton, and Wiese. Commissioner Fjeldheim led the Pledge of Allegiance.

**APPROVAL OF AGENDA:** Commissioner Wiese moved to approve the agenda, seconded by Gage. All members present voting aye. Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT:** Janet Fjeldheim met with the Commission to share that she was opposed to the Howling Woods Subdivision Plat for several reasons, which were the same reasons they were denied a rezone application to convert their Barn into a Special Event Facility in 2018. Janet also shared that they hunt their property on a regular basis and don't want to lose that privilege and displace the Wildlife.

District 3 Representative, Carl Perry informed the Commission that he recently attended the International Legislative Forum in Duluth, MN that included legislators from North Dakota, Minnesota, South Dakota, and some Canada Provinces. He shares that next year, South Dakota will host this event and it will be held in Rapid City. Representative Perry told Commission some of the topics discussed were Water, Roads, Pipelines, Prisons, Public Safety, Drug Issues, Healthcare and Energy.

**HALL CROSSING:** John Kipley with Ordway Township met with the Commission to discuss Hall Crossing. John asked the Commission to keep the promise that was made to Ordway Township in the past to keep up the Hall Crossing. He informed the Commission that with Hall Crossing closed traffic is having to use Hwy. 14 which causes safety issues with traffic. John shared that Ordway Township gave up 3 different spots, when agreement was made to keep Hall Crossing open. Commissioner Sutton shared that Hall Crossing has had several issues and is a problem every year and feel the usage has decreased. Commissioner Dennert asked Highway Superintendent, Dirk Rogers how much it would cost to fix it. Dirk responded that the County can't afford to fix it, so it has been easier to pay for temporary fixes each year. Tara Hall shared that she loves the area and doesn't feel there is much traffic, and it isn't an issue to drive around a few miles – it used to be a county road that was maintained back in the day. Paul Meyers commented that he feels if it could make it a dam so the water can run over would be best fix. John shared that it is inconvenient for Farmers in the area and would appreciate the County looking at it.

**APPLICATION FOR OCCUPANCY:** Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following application submitted by Westport for occupancy for North Shore Drive for potable water line in Section 24, T124-R-65, Brown County, South Dakota. All members present voting aye. Motion carried.

**HIGHWAY DEPARTMENT UPDATE:** Dirk Rogers, Highway Superintendent shared that Highway 21 is doing repair work on Bridge on 21 and should be done within 2 weeks. After they finish, the County will start paving 21. They plan to do micro-surfacing and raise grade 6 miles west of Mecla. They are mowing and slashing Dirk informed that he will be making changes to his 5-year plan due to budget restraints but is hoping to do a Bid Project for NE area and contractor could set up a mobile plant to complete the projects.

**MINUTES:** Moved by Commissioner Dennert, seconded by Wiese to approve the June 18, 2024 General Meeting Minutes. All members present voting aye. Motion carried.

**CLAIMS:** Moved by Commissioner Gage, seconded by Fjeldheim to approve the following claims: Profound Care; CenturyLink-Lumen \$195.75; Schriver's Memorial Mortuary, Inc \$150.00; SD State 4-H Office-Volunteers \$575.00. Publishing - Production Monkeys \$1,500.00. Rental - Dan Electronics \$326.00. Repairs & Maintenance; Ace Refrigeration, LLC \$316.20; Asphalt Zipper \$20.04; Brown Conservation Dis-

trict \$1,467.40; Dakota Supply Group \$42.57; Dave's Body Shop \$237.00; Graham Tire Inc \$683.50; HF Jacobs & Son Const. Inc \$21,450.00; Hoven Auto Repair, Inc \$1,359.84; Interstate Powersystems \$3,398.91; K&S Plumbing, Inc \$2,487.17; Lien Transportation Company \$1,469.39; Otis Elevator Company \$90.72; Pheasantland Industries \$16.22; Pierson Ford Lincoln, Inc \$135.19; Titan Machinery \$266.33; Tri-Edge Pros LLC \$1,900.00. Supplies: Advance Auto Parts \$1,403.78; Amazon Capital Services, Inc \$3,003.08; Asphalt Zipper \$120.48; Brett Provins \$45.96; Cole Paper \$67.42; Dakota Supply Group \$1,862.60; FedEx \$19.15; Fire Safety First LLC \$2,979.60; Gillund Enterprises \$764.40; Graham Tire Inc \$171.40; Hill Country Farms \$2,135.35; J&B Inc \$67,729.92; Jensen Rock & Sand Inc \$22,232.85; John Florey \$16.50; Ken's SuperFair Foods \$59.60; Leidholdt Tool Sales, LLC \$20.52; Lig. Trans- portation Company \$8,629.80; Menards \$174.39; Performance Oil \$691.47; Pheasantland Industries \$292.50; Pierson Ford Lincoln, Inc \$12.69; Runny- LLC \$20.52; Safety Service \$3,500.00; Share Corporation \$555.60; Thomson Reuters-West Payment Center \$27.24; Titan Machinery \$346.02; US Postmaster \$11.20. Travel & Conference: Howling Woods Subdivision CenturyLink \$994.24; City of Aberdeen Treasurer \$1,154.18; City of Hecla \$159.47; Dependable Sanitation, Inc \$172.00; Montana-Dakota Utilities Co \$27.72; Murray Energy \$923.78; NVC \$263.68; Verizon Wireless \$81.92. Others: Ken's SuperFair Foods \$525.00; Office of Child & Family Services \$5,322.25. All members present voting aye. Motion carried.

**HR REPORT:** Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Human Resource Report submitted by Human Resources Director, Allison Thulheim:

- Resignation of Leeland Koch, Brown County Fair & Parks Maintenance Seasonal worker – effective June 18, 2024. Request to fill.
- Resignation of Sophia Powell, Brown County 911 Communications Officer – effective June 21, 2024. Request to fill.
- Resignation of Samiuela Mouna from Brown County Jail Administrator to FT Brown County Senior JDC/Home Detention Officer; moving from salary \$24 hourly, wage \$33.21/100% – effective June 23, 2024. Request to fill.
- Hiring of James Bissett as Brown County 911 Communications Officer; FT; starting wage \$27.37/hr – effective June 24, 2024.
- Hiring of Jessica Puentes Castro as Brown County Museum Curator of Education; FT; starting wage \$22.37/hr – effective July 1-25-24. All members present voting aye. Motion carried.
- Payment of retirement award for Penny Hart in the amount of \$150.00 before taxes, requirement was met.

**ADJOURNMENT:** Moved by Commissioner Fjeldheim, seconded by Wiese to adjourn the Brown County Commission at 10:31 a.m. All members present voting aye. Motion carried.

**RESOLUTION #33-24:** Commissioner Wiese brought the following resolution "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing: Beving-Webb Addition in the SE 1/4 of Section 13, Township 123 N, Range 66 West of the 5th P.M., Brown County, South Dakota, that the plat showing: Marvin & Gweneth Hansen First Addition in the NW 1/4 NE 1/4 of Section 6-1128N-R61W of the 5TH P.M., Brown County, South Dakota, that the plat showing: Marvin & Gweneth Hansen First Addition in the NW 1/4 NE 1/4 of Section 6-1128N-R61W of the 5TH P.M., Brown County, South Dakota, that the plat showing: Howling Woods Subdivision in the SW 1/4 of Section 22, Township 123 North, Range 64 West of the 5TH P.M., Brown County, South Dakota, have been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof. Seconded by Wiese. All members present voting aye. Resolution adopted.

**CLAIM ASSIGNMENTS:** Moved by Commissioner Fjeldheim, seconded by Wiese to authorize and approve the Auditor sign the Claim Assignment against an individual to Credit Collections Bureau for the purpose of collecting fees. All members present voting aye. Motion carried.

**OTHER BUSINESS:** Auditor Heupel informed the Commission that the Post-Election Audit was completed last evening (Monday, June 24th) and it matched 100%. Results were available if they wanted to review them. Commissioner Wiese stated they would like to thank the citizens that participated on the Audit Board.

**EXECUTIVE SESSION:** Moved by Commissioner Wiese, seconded by Dennert to go into Executive Session for Personnel, Contracts and Legal per SDCL 1-25-2. All members present voting aye. Motion carried.

**ADJOURNMENT:** Moved by Commissioner Fjeldheim, seconded by Wiese to adjourn the Brown County Commission at 10:31 a.m. All members present voting aye. Motion carried.

**RESOLUTION #35-24:** Commissioner Gage brought the following resolution "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing: Howling Woods Subdivision in the SW 1/4 of Section 22, Township 123 North, Range 64 West of the 5TH P.M., Brown County, South Dakota, that the plat showing: Marvin & Gweneth Hansen First Addition in the NW 1/4 NE 1/4 of Section 6-1128N-R61W of the 5TH P.M., Brown County, South Dakota, that the plat showing: Marvin & Gweneth Hansen First Addition in the NW 1/4 NE 1/4 of Section 6-1128N-R61W of the 5TH P.M., Brown County, South Dakota, that the plat showing: Howling Woods Subdivision in the SW 1/4 of Section 22, Township 123 North, Range 64 West of the 5TH P.M., Brown County, South Dakota, have been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof. Seconded by Wiese. All members present voting aye. Resolution adopted.

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# STAFF REPORT

Meeting: July 16, 2024

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## **BROWN COUNTY PLANNING COMMISSION**

**REZONE PARCEL**

**ITEM # 10**

***Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG)***

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**GENERAL INFORMATION:**

OWNER: Daniel C. Kempf Estate  
PETITIONER: Nicole Kempf – Personal Representative

REQUEST: **Rezone Parcel  
AG-P District to M-AG District**

LEGAL DESCRIPTION: Proposed Lot 1, "Palmyra Farmhouse Second Addition" in the SW1/4 of Section 18-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota

ADDRESS: 10260 373<sup>rd</sup> Avenue

CITY/TOWNSHIP: Palmyra Twp.

EXISTING ZONING: Agriculture Preservation District (AG-P) / Mini-Agriculture District (M-AG)

SURROUNDING ZONING:  
North: Agriculture Preservation District (AG-P)  
South: Agriculture Preservation District (AG-P)  
West: Agriculture Preservation District (AG-P)  
East: McPherson County

PUBLIC UTILITIES: WEB Water

REPORTED BY: Ron Keller

**GENERAL COMMENT:** This parcel is being sold to a non-farm family member. This parcel no longer meets the requirement for 4.0605 family farm unit once it is sold. The petitioner is requesting this rezone to bring this parcel into compliance for its future use.

**GENERAL REVIEW:** Staff has reviewed this request.

## NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the Basement Community Meeting Room, on July 16, 2024, at 7:00 P.M.

Petitioner: Nicole Kempf – Personal Representative of the Estate of Daniel C. Kempf

Description of property: Proposed Lot 1, "Palmyra Farmhouse Second Addition" in the SW1/4 of Section 18-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10260 373<sup>rd</sup> Avenue, Palmyra Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Proposed Lot 1 to bring this parcel into compliance for its future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

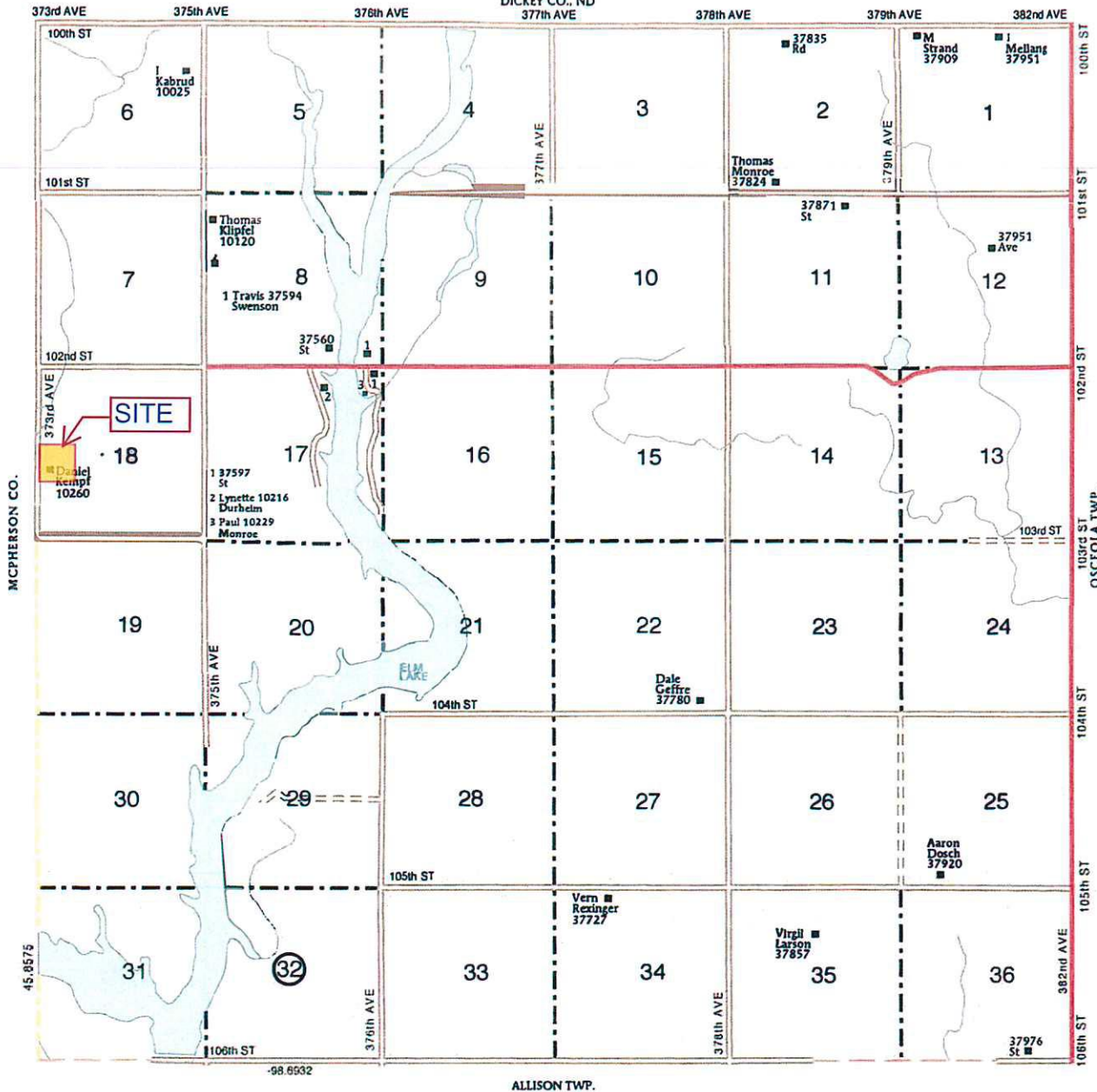
Dated this 3rd day of July 2024.

Planning/Zoning Commission and  
Scott Bader – P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144

Published once at the total approximate cost of \_\_\_\_\_.

(Residents - Owners or Renters)

DICKEY CO., ND  
377th AVE



**REZONE PETITION**

BROWN COUNTY COMMISSION  
25 MARKET ST  
ABERDEEN, SD 57401

Petition No: \_\_\_\_\_  
Date: \_\_\_\_\_  
Receipt: 821994  
Filing Fee: \$350  
(non-refundable)

Brown County Commission Members:

I/We the undersigned, do hereby petition the Brown County Commission of Brown County, South Dakota to rezone property as follows:

Legal Description:

Proposed Lot 1, "Palmyra Farmhouse Second Addition" in the SW1/4 of Section 18-T128N-65W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 10260 373rd Avenue

From the \_\_\_\_\_ Agriculture Preservation **District**  
To the \_\_\_\_\_ Mini-Agriculture **District**

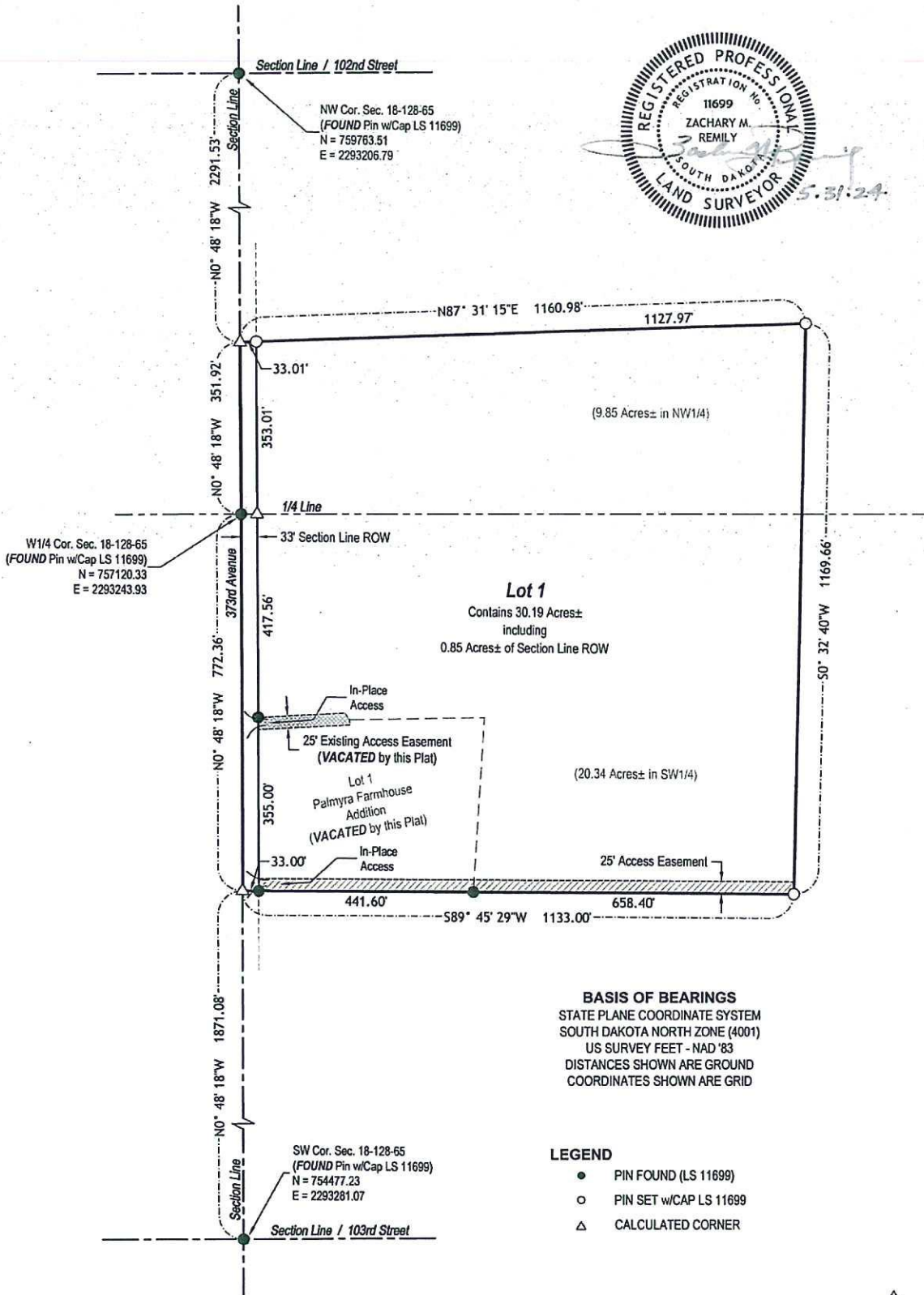
Purpose: \_\_\_\_\_ To Bring into Compliance  
Size of Parcel: \_\_\_\_\_ Lot 1 = 30.19 +/- acres  
Existing Land Use: Mini-Agriculture

Nicole Kempf - Personal Representative of  
Owner/Petitioner: (Print) the Estate of Daniel C. Kempf  
Signature: Nicole Kempf P.R.  
Date: 6/13/24 Phone: 605-380-6294  
Address: 308 1st St. N  
Ellendale, ND 58436  
City State Zip

Nicole Kempf - Personal Representative of  
Owner: (Print) the Estate of Daniel C. Kempf  
Signature: Nicole Kempf P.R.  
Date: 6/13/24 Phone: 605-380-6294  
Address: 308 1st St. N  
Ellendale, ND 58436  
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT SHOWING  
**PALMYRA FARMHOUSE SECOND ADDITION**  
 IN THE W1/2 OF SECTION 18,  
 TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

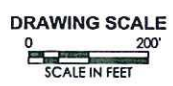


**BASIS OF BEARINGS**  
 STATE PLANE COORDINATE SYSTEM  
 SOUTH DAKOTA NORTH ZONE (4001)  
 US SURVEY FEET - NAD '83  
 DISTANCES SHOWN ARE GROUND  
 COORDINATES SHOWN ARE GRID

- LEGEND**
- PIN FOUND (LS 11699)
  - PIN SET w/CAP LS 11699
  - △ CALCULATED CORNER



Prepared By:  
 619 14th Avenue S, Faulkton, South Dakota 57438  
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com  
 Project No. ALS22137B Field Survey Date: 05-23-2024



PLAT SHOWING

# PALMYRA FARMHOUSE SECOND ADDITION

IN THE W1/2 OF SECTION 18,  
TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

### OWNER'S CERTIFICATE:

I, Nicole Kempf, Personal Representative of the Estate of Daniel C. Kempf, do hereby certify that the Estate of Daniel C. Kempf is the owner of the Southwest Quarter (SW1/4) of Section Eighteen (18); Lot 1, Palmyra Farmhouse Addition in the SW1/4 of Section Eighteen (18); AND the Northwest Quarter (NW1/4) of Section Eighteen (18), Township One Hundred Twenty-Eight (128) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota, and that I, as Personal Representative of the Estate of Daniel C. Kempf, have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

**"PALMYRA FARMHOUSE SECOND ADDITION  
IN THE W1/2 OF SECTION 18, TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Nicole Kempf, Personal Representative of the Estate of Daniel C. Kempf, do hereby **DEDICATE** the 25' Access Easement on the South 25' of Lot 1, Palmyra Farmhouse Second Addition, as shown on the attached plat, for INGRESS/EGRESS to the remaining portion of the Southwest Quarter (SW1/4) of Section 18, Township 128 North, Range 65 West of the 5th P.M., Brown County, South Dakota.

By this plat, I, Nicole Kempf, Personal Representative of the Estate of Daniel C. Kempf, do hereby **VACATE** Lot 1, Palmyra Farmhouse Addition, including both 25' Access Easements that were dedicated by the plat, in the SW1/4 of Section Eighteen (18), Township One Hundred Twenty-Eight (128) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota, as filed for record on December 28, 2022 and 8:21 A.M., and duly recorded as Hanging Plat No. 3873.

Owner: *Estate of Daniel C. Kempf*

*Nicole Kempf, PR.*  
Nicole Kempf, Personal Representative

Signed this 13<sup>th</sup> day of June, 2024.

COUNTY OF BROWN )  
STATE OF SOUTH DAKOTA ) SS

On this the 13<sup>th</sup> day of June, 2024, before me, RON KELLER, the undersigned officer, personally appeared *Nicole Kempf*, Personal Representative of the Estate of Daniel C. Kempf, known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027 *Ra Kel*  
Notary Public

### SURVEYOR'S CERTIFICATE:

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted:

**"PALMYRA FARMHOUSE SECOND ADDITION  
IN THE W1/2 OF SECTION 18, TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

*Zachary M. Remily*  
ZACHARY M. REMILY, LS 14699

Signed this 31<sup>st</sup> day of MAY, 2024.





PLAT SHOWING

# PALMYRA FARMHOUSE SECOND ADDITION

IN THE W1/2 OF SECTION 18,

TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

### TOWNSHIP HIGHWAY APPROVAL:

"Existing Access to 373rd AVENUE is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Signature

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

### COUNTY PLANNING COMMISSION APPROVAL:

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota.

Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Secretary of County Planning Commission  
Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing:

**"PALMYRA FARMHOUSE SECOND ADDITION  
IN THE W1/2 OF SECTION 18,  
TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

### COUNTY COMMISSION APPROVAL:

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota.

Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Auditor  
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing:

**"PALMYRA FARMHOUSE SECOND ADDITION  
IN THE W1/2 OF SECTION 18,  
TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

### TREASURER'S CERTIFICATE:

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Treasurer  
Brown County, South Dakota

### DIRECTOR OF EQUALIZATION CERTIFICATE:

I hereby certify that I have received a copy of this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Director of Equalization  
Brown County, South Dakota

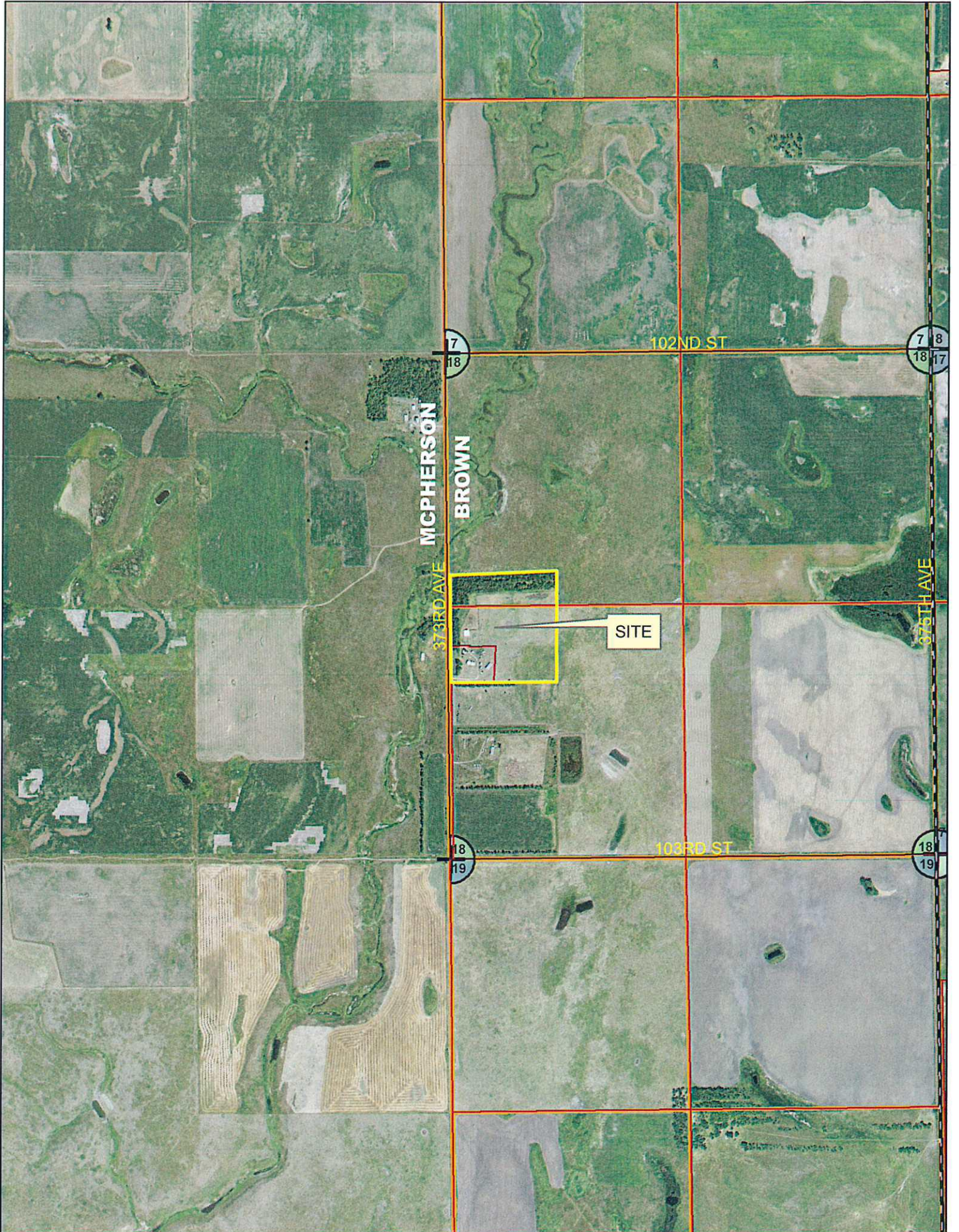
### REGISTER OF DEEDS' CERTIFICATE:

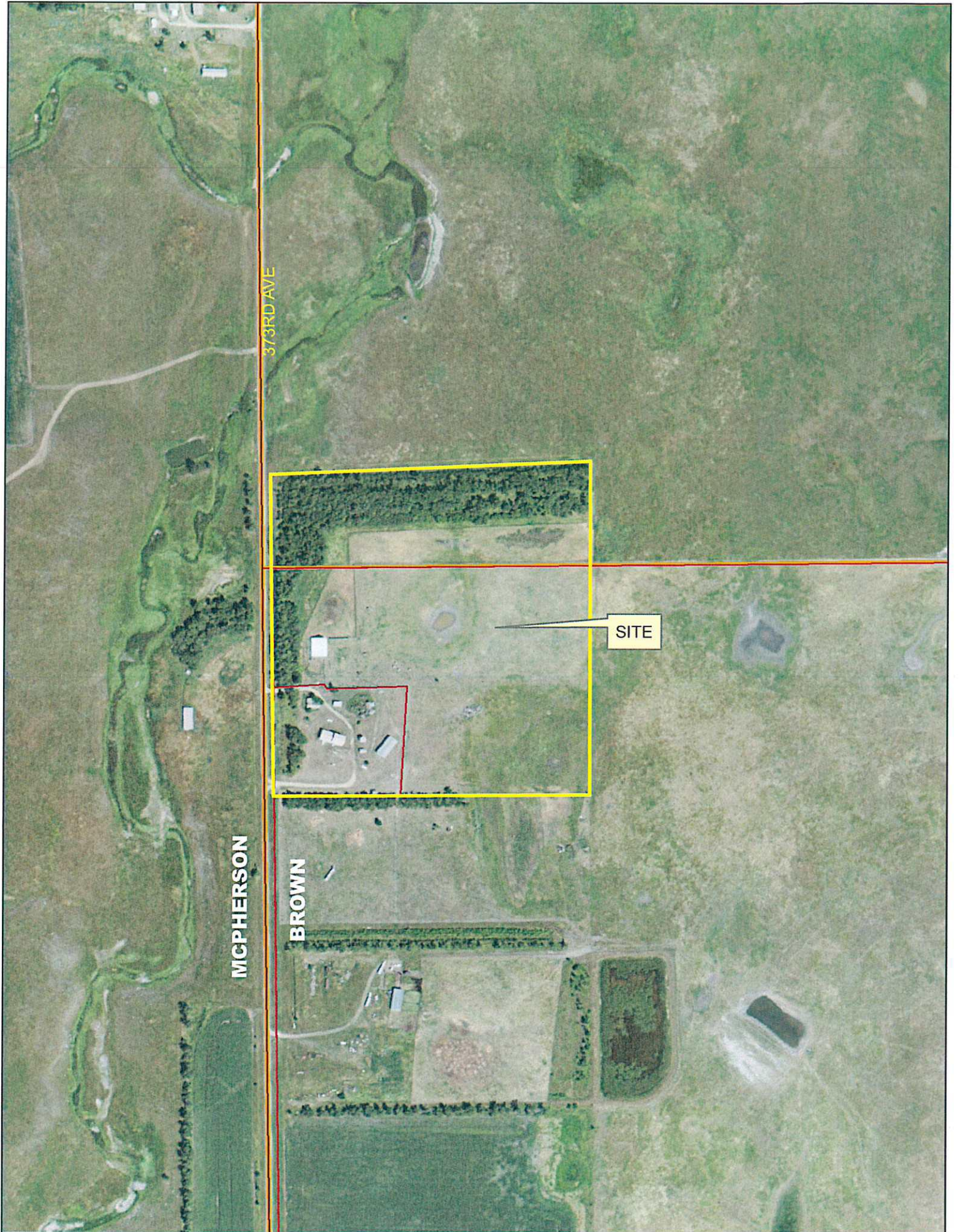
Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

at \_\_\_\_\_ O'clock \_\_\_\_ M., and duly recorded as Hanging

Plat No. \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
Brown County, South Dakota





373RD AVE

SITE

MCPHERSON

BROWN

**Nicole Kempf**  
308 N 1<sup>st</sup> Street  
Ellendale, ND 58436

**Palmyra Township**  
Attn: Seth Klipfel  
10157 W Elm Lake Drive  
Forbes, ND 58439

**McPherson County Auditor**  
PO Box 390  
Leola, SD 57456

**Jerry & Gail Klipfel**  
38223 State Line Road  
Ellendale, ND 58436

**AFFIDAVIT OF  
PUBLICATION**

STATE OF SOUTH DAKOTA §  
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County  
Kempf Rezoning Application  
Published July 3, 2024 for \$15.33  
Invoice No. 23447**

*Tina Kosel*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the

3rd Day of July 2024

to certify which witness my hand and seal of office.

*Paul I. Kosel*

\_\_\_\_\_  
Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel  
Print or Type Name of Notary Public

My Commission Expires January 24, 2030  
Bond Number: 107962682



### JUNE 25, 2024 - GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Dennert, Fjeldheim, Gage, Sutton, and Wiese. Commissioner Fjeldheim led the Pledge of Allegiance.

**APPROVAL OF AGENDA:** Commissioner Wiese moved to approve the agenda, seconded by Gage. All members present voting aye. Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT:** Janet Hedges met with the Commission to share that she was opposed to the Howling Woods Subdivision. Plans for several reasons, which were the same reasons they were denied a rezoning application to convert their Barn into a Special Event Facility in 2011 to discontinue also shared that they hunt their property on a regular basis and don't want to lose that privilege and displace the Wildlife.

District 3 Representative, Carl Perry informed the Commission that he recently attended the International Legislative Forum in Duluth, MN that included Legislators from North Dakota, Minnesota, South Dakota, and some Canada. He shared that next year, South Dakota will host this event and it will be held in Rapid City. Representative Perry told Commission some of the topics discussed were: Roads, Pipelines, Prisons, Public Safety, Drug Issues, Healthcare and Energy.

**HALL CROSSING:** John Kipley called Ordway Township meet with the Commission to keep the Commission to keep the promise that was made to Ordway Township in the past to keep up the Hall Crossing. John asked the Commission to keep the promise that was made to Ordway Township in the past to keep up the Hall Crossing. John asked the Commission to keep the promise that was made to Ordway Township in the past to keep up the Hall Crossing. John asked the Commission to keep the promise that was made to Ordway Township in the past to keep up the Hall Crossing.

**Resignation of Ireland Koch, Brown County Fair & Maintenance Seasonal worker - effective June 18, 2024. Request to fill.**  
• Resignation of Sophia Powell, Brown County 911 Communications Officer - effective June 21, 2024. Request to fill.  
• Resignation of Samiuela Mouniga from Brown County Jail Administrator to FT Brown County Senior JDC Home Detention Officer; moving from salary to hourly, wage \$33.21/hr. - effective June 23, 2024. Request to fill.  
• Hiring of James Bissett as Brown County 911 Communications Officer; FT; starting wage \$22.37/hr. - effective June 24, 2024.

**Hiring of Jessica Puentes Casado as Brown County Museum Curator of Education; FT; starting wage \$22.37/hr. - effective July 29, 2024.**  
• Payment of retirement for 2024. The amount of \$150.00 before taxes, requirement was met.  
All members present voting aye. Motion carried.

**BROWN COUNTY FAIR PROMOTION:** Moved by Commissioner Dennert, seconded by Wiese to approve the Brown County Fair Promo List. (List is available at the Brown County Courthouse, SD. Proposed Ordinance #273, applicant Arlene Webb for the purpose of rezoning the following property from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) and 1 parcel from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) to bring these parcels into compliance for their current use: 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.).

**ZONING ORDINANCES-SET HEARING DATE/AUTHORIZE ADVERTISING:** Moved by Commissioner Gage, seconded by Dennert to set hearing date and authorize publication for the first reading of the following zoning ordinances to be held on July 16, 2024 in the Commissioner's Chambers, Courthouse Annex, Courthouse Annex, Courthouse Annex #273, applicant Arlene Webb for the purpose of rezoning the following property from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) and 1 parcel from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) to bring these parcels into compliance for their current use: 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.).

13149, 13153 395th Avenue, Bath Twp.). All members present voting aye. Motion carried.

**BEVING-WEBB ADDITION:** Moved by Commissioner Wiese, seconded by Gage to approve the following resolution "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing Beving-Webb Addition in the SE 1/4 of Section 13, Township 123 North, Range 65 West of the 5TH P.M., Brown County, South Dakota" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof. Seconded by Gage. All members present voting aye. Resolution adopted.

**RESOLUTION #35-24:** Commissioner Gage brought the following resolution "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing: Howling Woods Subdivision in the SW 1/4 of Section 22, Township 123 North, Range 64 West of the 5TH P.M., Brown County, South Dakota" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof. Seconded by Wiese. All members present voting aye. Resolution adopted.

**RESOLUTION #35-24:** Commissioner Gage brought the following resolution "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing: Howling Woods Subdivision in the SW 1/4 of Section 22, Township 123 North, Range 64 West of the 5TH P.M., Brown County, South Dakota" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof. Seconded by Wiese. All members present voting aye. Resolution adopted.

**OTHER BUSINESS:** Auditor Heupel informed the Commission that the Post-Election Audit was completed last evening (Monday, June 24th) and it matched 100%. Results were available if they wanted to review them. Commissioner Wiese stated they would like to thank the citizens that participated on the Audit Board.

**EXECUTIVE SESSION:** Moved by Commissioner Wiese, seconded by Dennert to call into Executive Session for Personnel, Contracts and Legal per SDCL 1-25-2. All members present voting aye. Motion carried.

**ADJOURNMENT:** Moved by Commissioner Fjeldheim, seconded by Wiese to adjourn the Brown County Commission at 10:31 P.M. All members present voting aye. Motion carried.

**PLANNING/ZONING COMMISSION:** Moved by Commissioner Wiese, seconded by Gage to approve the following application submitted by WEB Water Development for occupancy of North Shore Drive for potting water line in Section 22, T124-65, Brown County, South Dakota. All members present voting aye. Motion carried.

**HIGHWAY DEPARTMENT UPDATE:** Dirk Rogers, Highway Superintendent shared that Highway is doing repair work on Bridge on 21 and should be done within 2 weeks. After they finish, the County will start paving 21. They plan to do micro-topping and raise grade 6 miles west of Hecda. They are mowing and clearing. Dirk informed the Commission that he will be making changes to his 5-year plan due to budget restraints but is hoping to do a Bid Project for NE area and contractor could set up a mobile plant to complete the projects.

**MINUTES:** Moved by Commissioner Dennert, seconded by Wiese to approve the June 18, 2024 General Meeting Minutes. All members present voting aye. Motion carried.

**CLAIMS:** Moved by Commissioner Gage, seconded by Fjeldheim to approve the following claims: Professional Fees: CenturyLink-Lumen \$195.75; Schriever's Memorial Mortuary, Inc \$150.00; SD State 4-H Office-Volunteers \$575.00. Publishing: Production Monkeys \$1,500.00. Rentals: Dakota Electronics \$326.00. Repairs & Maintenance: Ace Refrigeration, LLC \$316.20; Adaptive \$20.04; Brown Conservation Dis-

trict \$1,467.40; Dakota Supply Group \$42.57; Double D Body Shop \$237.00; Graham Tire Inc \$683.50; HF Jacobs & Son Const. Inc \$21,450.00; Hauling Auto Repair, Inc \$1,359.84; Interstate Powersystems \$3,398.91; K&S Plumbing, Inc \$2,115.67; Lien Transportation Company \$1,469.39; Onis Elevator Company \$90.72; Pheasantland Industries \$16.22; Pierson Ford Lincoln, Inc \$135.19; Titan Machinery \$265.63; TripleC Pro LLC \$1,900.00. Supplies: Advance \$1,469.39; Onis Elevator Company \$90.72; Pheasantland Industries \$16.22; Pierson Ford Lincoln, Inc \$135.19; Titan Machinery \$265.63; TripleC Pro LLC \$1,900.00. Supplies: Advance \$1,469.39; Onis Elevator Company \$90.72; Pheasantland Industries \$16.22; Pierson Ford Lincoln, Inc \$135.19; Titan Machinery \$265.63; TripleC Pro LLC \$1,900.00.

**RESOLUTION #34-24:** Commissioner Fjeldheim brought the following resolution "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing: Marvin & Gweneth Hansen First Addition Plat: RESOLUTION #34-24" having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof. Seconded by Dennert. All members present voting aye. Resolution adopted.

**RESOLUTION #34-24:** Commissioner Fjeldheim brought the following resolution "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing: Marvin & Gweneth Hansen First Addition Plat: RESOLUTION #34-24" having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof. Seconded by Dennert. All members present voting aye. Resolution adopted.

**RESOLUTION #34-24:** Commissioner Fjeldheim brought the following resolution "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing: Marvin & Gweneth Hansen First Addition Plat: RESOLUTION #34-24" having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof. Seconded by Dennert. All members present voting aye. Resolution adopted.

**RESOLUTION #34-24:** Commissioner Fjeldheim brought the following resolution "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing: Marvin & Gweneth Hansen First Addition Plat: RESOLUTION #34-24" having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof. Seconded by Dennert. All members present voting aye. Resolution adopted.

**RESOLUTION #34-24:** Commissioner Fjeldheim brought the following resolution "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing: Marvin & Gweneth Hansen First Addition Plat: RESOLUTION #34-24" having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof. Seconded by Dennert. All members present voting aye. Resolution adopted.

The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 274.

**ATTENTION:** Lynn Heupel  
Brown County Auditor  
Published July 3, 2024, at the total approximate cost of \$14.10 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23444

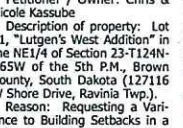


**NOTICE:** Application has been made by Arlene Webb to the Brown County Board of Commissioners for a change of zoning. Hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota on July 16, 2024 for the purpose of rezoning the following properties from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use:

Proposed Lot 1, "Beving-Webb Addition" in the SE 1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue; Mercier Twp.).

The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 273.

**ATTENTION:** Lynn Heupel  
Brown County Auditor  
Published July 3, 2024, at the total approximate cost of \$11.96 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23445



**NOTICE OF HEARING:** Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room of the Brown County Courthouse Annex, on Tuesday July 16, 2024, at 7:00 P.M.

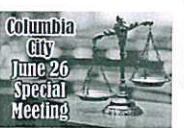
**NOTICE OF HEARING:** Description of property: Lot 31, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127116 W Shore Drive; Ravinia Twp.). Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 10'-0" Rear Yard Setback rather than the 30'-0" required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 3rd day of July 2024  
Planning/Zoning Commission and  
Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published July 3, 2024, at the total approximate cost of \$12.57 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23446

**Estate of Daniel C. Kempf:** Description of property: Proposed Lot 1, "Palmyra Farmhouse Second Addition" in the City/4 of Section 18-T128N-R65W of the 5th P.M., Brown County, South Dakota (10260 373rd Avenue, Palmyra Twp.). Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Proposed Lot 1 to bring this parcel into compliance for its future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor. Dated this 3rd day of July 2024.

**Planning/Zoning Commission and:** Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published July 3, 2024, at the total approximate cost of \$15.33 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23447



City of Columbia Council Special Meeting - June 26, 2024  
CALL MEETING TO ORDER - 7:00 PM  
ROLL CALL - Cara Dennert, Jeremy Mitchell, Trevor Meints, Corey Dosch, Emily Eichler via phone

Mayor Corey Mitchell called the meeting to order and called for a motion to approve the agenda. Trevor Meints made a motion to approve the posted agenda. Scott Meints seconded the motion. All were in favor - motion carried. Corey Mitchell called for any conflict of interest on agenda items. There were none.

Corey presented the second reading of the proposed The alleyway between James Street and Broadway Street, on plat #33, "Peck's Addition to Columbia, Brown County, Dakota" with Lots 201-232, that were filed on July 21, 1883, running north and south from 2nd Avenue NW to 3rd Avenue NW.  
Emily Eichler made a motion to approve the vacation of said alleyway. Jeremy Dosch seconded the motion. All voted yes in a roll call vote. The alleyway vacation was numbered #02-24. Motion carried.  
Mayor Corey adjourned the meeting.

Published July 3, 2024, at the total approximate cost of \$11.87 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23448



Town of Westport General Meeting  
June 3, 2024  
The Town of Westport met on June 3, 2024 with Mitch Wilson, Shane Storm, Troy Tschappat, Doreen Hertel, Twyla Storm, Eric and Shauna Schultz, Matt Ellison, Jen Berns, and Deb Schlosser present. President Wilson appointed Troy Tschappat to fill the Board vacancy.

The following bills were presented:  
City General  
NW Energy (\$468.92), Groton Independent (\$18.76), Dakota Supply Group (\$234.38), Mitch Wilson (\$125.00), Gappa Electric (\$6002.40), Fire Safety First (\$139.00), Menards (\$85.99), Mitch Wilson (\$559.15), Larry Schmit (\$150.00), Shane Storm (\$450.00), Mitch Wilson (\$1600.00), Deb Schlosser (\$900.00).

Sewer NW Energy (\$63.37)  
Water Public Health Laboratory (\$15.00), WEB (\$2,238.77), DANR (\$30.00)  
Shane Storm motioned, sec-

ond by Troy Tschappat to pay all bills.  
The following deposits were presented:  
City General  
SD (\$2,046.72), Brown County Collections (\$2707.69), Interest (\$194.05).  
Sewer Resident Payments (\$2159.55)  
Water Resident Payments (\$3240.00)  
Old Business:  
Work on the front of the Town Hall will begin around August 1. New Business:

Eric Schult addressed the Board about the town possibly buying an AED and medical supplies. Concerns were voiced about liability. Interest was expressed about having CPR and Stop the Bleed classes for the community. Scott Meints will be meeting with Columbia Fire Department and Ambulance Service to discuss options for the Town of Westport. More information will be coming as we get it.  
Meeting dismissed at 7:51 P.M.

Deb Schlosser, Finance Officer  
Published July 3, 2024, at the total approximate cost of \$19.32 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23449



STATE OF SOUTH DAKOTA  
IN CIRCUIT COURT  
FIFTH JUDICIAL CIRCUIT  
NOTICE OF ADVISORY HEARING  
THE PEOPLE OF THE STATE OF SOUTH DAKOTA IN THE INTEREST OF

K. B. A. P. AND G. P. MINOR CHILDREN, AND CONCERNING MARION JEAN PELTIER, ARIS PEREZ, KETH KRAUSE, AND KONACIN BLACK EEL, RESPONDENTS.  
To: Aris Perez  
Please take notice and be advised that the above-entitled matter has been scheduled for an ADVISORY HEARING on the 8th day of August 2024, at the hour of 9:00 a.m. of said day, before the Honorable Circuit Court Judge Julie Dvorak, at the Brown County Courthouse, Aberdeen, South Dakota.  
Dated This 1st day of July, 2024.

1st Karla Nelson  
Karla Nelson, Deputy.  
Brown County States Attorney  
Published July 3, 2024, at the total approximate cost of \$11.96 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com). 23450

## Queen of Hearts

Week 17 of the Queen of Hearts drawing was held Thursday with the jackpot of \$26,045. Ticket sales for the were \$2,060. The name drawn was Angie Sombke. She chose card number 26, it was the Nine of Hearts. She won the consolation prize of \$206.

There will be no drawing on July 4th. Next drawing will be July 11th.

## King Crossword

Answers  
Solution time: 25 mins.  
L I R E P H O S N E O  
U R A L A W O I A L B  
G A M E T W E B S M A I  
S N I T V A W E A G E N T  
K I L N F E D B E D S  
E T A R N A S O S  
G E M S A R W L S T S  
E N N U T B O  
S I D L E P E W E S T  
M I T C H W I L S O N  
D I A K N Y R A A R E A  
E T A C S N I T T E R M

# STAFF REPORT

Meeting: July 16, 2024

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## *BROWN COUNTY PLANNING COMMISSION*

*PRELIMINARY & FINAL PLAT*

*ITEM # 11*

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**GENERAL INFORMATION:**

OWNER:	Daniel C. Kempf Estate
PETITIONER:	Nicole Kempf - Personal Representative
REQUEST:	<b>PRELIMINARY &amp; FINAL PLAT</b>
LEGAL DESCRIPTION:	"Palmyra Farmhouse Second Addition" in the SW1/4 of Section 18-T128N-R65W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
ADDRESS:	10260 373 <sup>rd</sup> Avenue
CITY/TOWNSHIP:	Palmyra Twp
EXISTING ZONING	Agriculture Preservation District (AG-P) / Mini-Agriculture District (M-AG)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
East:	McPherson County
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

**GENERAL COMMENT:** The petitioner is requesting this Preliminary & Final Plat for financial and conveyance purposes.

**GENERAL REVIEW:** Staff has reviewed this plat.

## PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Palmyra Farmhouse Second Addition

LEGAL SECTION: QUARTER: SW1/4 SECTION: 18 TOWNSHIP: 128 RANGE: 65

MANDATORY LOTS: 1 TRACTS \_\_\_\_\_ PARCELS \_\_\_\_\_ OUTLOTS \_\_\_\_\_ OTHER \_\_\_\_\_

SCHOOL DISTRICT: Frederick Area 06-2

UTILITIES: WEB Water

OWNERS NAMES: Daniel C. Kempf Estate

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Zachary Remily (Assurance Land Surveying)

TYPE: PRELIMINARY \_\_\_\_\_ FINAL \_\_\_\_\_ BOTH  (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$150.00 DATE PAID: 06 / 13 / 20 24

RECEIVED BY PLANNING DEPARTMENT: 06 / 13 / 20 24 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT \_\_\_\_\_ CONVEYANCE  FINANCIAL PURPOSES \_\_\_\_\_ OTHER \_\_\_\_\_

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR  11 x 17 PHOTO PAPER \_\_\_\_\_ OTHER \_\_\_\_\_

STREETS/ROADS NAMED PROPERLY:  NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT: \_\_\_\_\_

EXISTING ACCESS SHOWN ON PLAT:  ACCESS PERMISSION NEEDED BY: SD \_\_\_\_\_ BC \_\_\_\_\_ TWP \_\_\_\_\_

FULLY DIMENSIONED FROM SECTION CORNER:  OR QUARTER CORNER:  OR KNOWN MARKER:

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township)  SIGNATURE LINE SIGNED:

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR  TREASURER SIGNATURE LINE SIGNED

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT:  PROPERTY PINS SHOWN ON ALL CORNERS:

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W

### AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION:  APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_



# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PLAT APPROVAL

DATE: June 21, 2024  
RECEIPT # 821993  
TOWNSHIP: Palmyra Twp

FEE: \$150.00  
PAID: YES/NO CHK/CASH  
DATE: 6/13/2024

OWNERS NAME (print): \_\_\_\_\_  
OWNERS SIGNATURE: \_\_\_\_\_  
OWNERS ADDRESS: \_\_\_\_\_  
OWNERS CITY, STATE, ZIP: \_\_\_\_\_  
OWNERS PHONE: \_\_\_\_\_  
OWNERS EMAIL: \_\_\_\_\_

AGENTS NAME (print): Nicole Kempf - Personal Representative of the Estate of Daniel C Kempf  
AGENTS SIGNATURE: Nicole Kempf P.R.  
AGENTS ADDRESS: 308 1st Street N  
AGENTS CITY, STATE, ZIP: Ellendale, ND 58436  
AGENTS PHONE: 605-380-6294 (Nicole)  
AGENTS EMAIL: \_\_\_\_\_

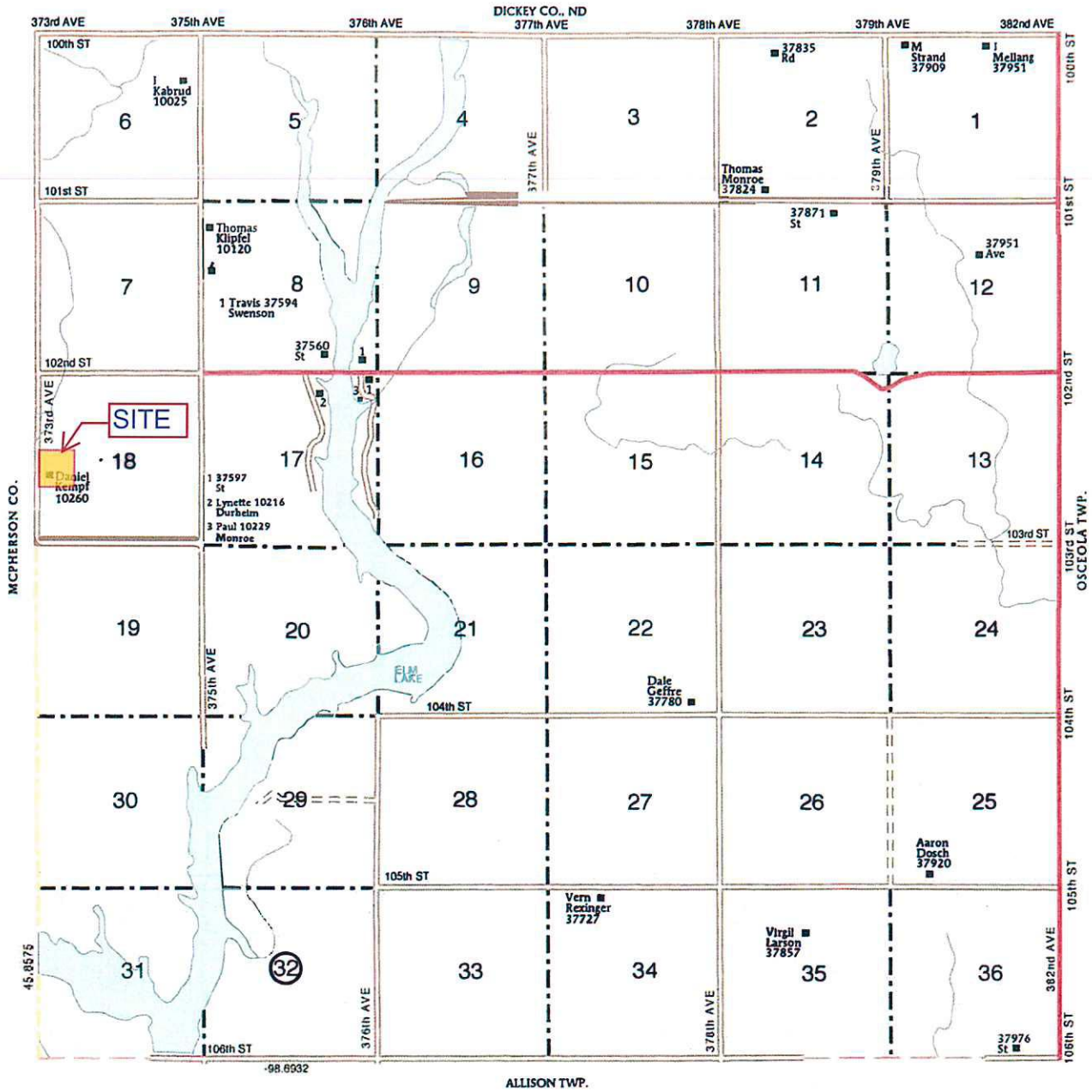
REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Palmyra Farmhouse Second Addition" in the SW1/4 of Section 18-T128N-R65W of the 5th P.M., Brown County, South Dakota (10260 373rd Avenue; PalmyraTwp.)

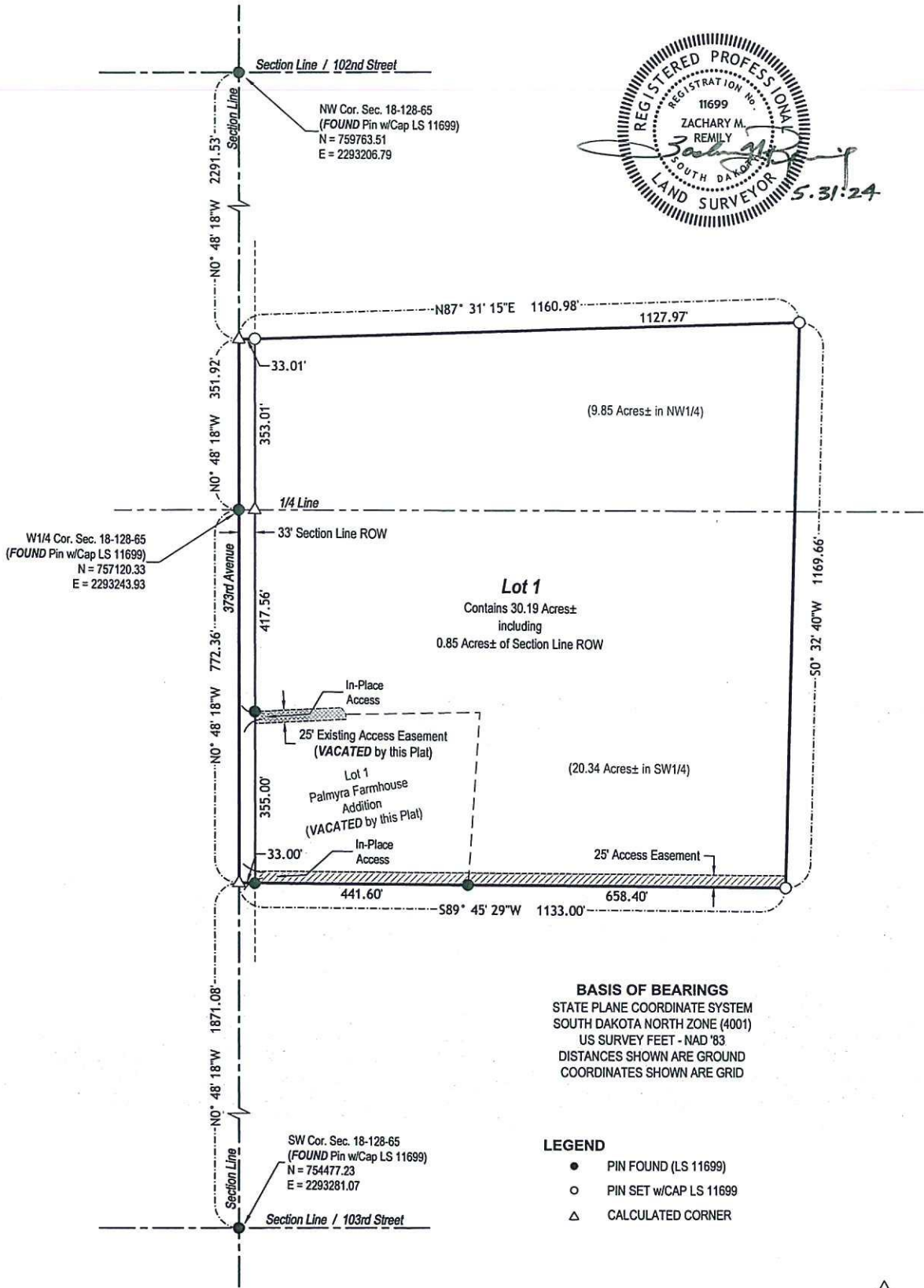
Planning Commission Action: Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

HEARING DATE: July 16, 2024 TIME: 7:00 pm



PLAT SHOWING  
**PALMYRA FARMHOUSE SECOND ADDITION**  
 IN THE W1/2 OF SECTION 18,  
 TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



**BASIS OF BEARINGS**  
 STATE PLANE COORDINATE SYSTEM  
 SOUTH DAKOTA NORTH ZONE (4001)  
 US SURVEY FEET - NAD '83  
 DISTANCES SHOWN ARE GROUND  
 COORDINATES SHOWN ARE GRID

- LEGEND**
- PIN FOUND (LS 11699)
  - PIN SET w/CAP LS 11699
  - △ CALCULATED CORNER

# PALMYRA FARMHOUSE SECOND ADDITION

IN THE W1/2 OF SECTION 18,  
TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

### OWNER'S CERTIFICATE:

I, Nicole Kempf, Personal Representative of the Estate of Daniel C. Kempf, do hereby certify that the Estate of Daniel C. Kempf is the owner of the Southwest Quarter (SW1/4) of Section Eighteen (18); Lot 1, Palmyra Farmhouse Addition in the SW1/4 of Section Eighteen (18); AND the Northwest Quarter (NW1/4) of Section Eighteen (18), Township One Hundred Twenty-Eight (128) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota, and that I, as Personal Representative of the Estate of Daniel C. Kempf, have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

**"PALMYRA FARMHOUSE SECOND ADDITION  
IN THE W1/2 OF SECTION 18, TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Nicole Kempf, Personal Representative of the Estate of Daniel C. Kempf, do hereby **DEDICATE** the 25' Access Easement on the South 25' of Lot 1, Palmyra Farmhouse Second Addition, as shown on the attached plat, for INGRESS/EGRESS to the remaining portion of the Southwest Quarter (SW1/4) of Section 18, Township 128 North, Range 65 West of the 5th P.M., Brown County, South Dakota.

By this plat, I, Nicole Kempf, Personal Representative of the Estate of Daniel C. Kempf, do hereby **VACATE** Lot 1, Palmyra Farmhouse Addition, including both 25' Access Easements that were dedicated by the plat, in the SW1/4 of Section Eighteen (18), Township One Hundred Twenty-Eight (128) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota, as filed for record on December 28, 2022 and 8:21 A.M., and duly recorded as Hanging Plat No. 3873.

Owner: *Estate of Daniel C. Kempf*

*Nicole Kempf PR.*  
Nicole Kempf, Personal Representative

Signed this 13<sup>th</sup> day of June, 2024.

COUNTY OF BROWN )  
STATE OF SOUTH DAKOTA ) SS

On this the 13<sup>th</sup> day of JUNE, 2024, before me, RON KELLER, the undersigned officer, personally appeared Nicole Kempf, Personal Representative of the Estate of Daniel C. Kempf, known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 1/2/2027 Ron Kel  
Notary Public

### SURVEYOR'S CERTIFICATE:

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted:

**"PALMYRA FARMHOUSE SECOND ADDITION  
IN THE W1/2 OF SECTION 18, TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

*Zachary M. Remily*  
ZACHARY M. REMILY, LS 14699

Signed this 31<sup>st</sup> day of MAY, 2024.



# PALMYRA FARMHOUSE SECOND ADDITION

IN THE W1/2 OF SECTION 18,

TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

### TOWNSHIP HIGHWAY APPROVAL:

"Existing Access to 373rd AVENUE is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Signature

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

### COUNTY PLANNING COMMISSION APPROVAL:

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota.

Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Secretary of County Planning Commission  
Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing:

**"PALMYRA FARMHOUSE SECOND ADDITION  
IN THE W1/2 OF SECTION 18,  
TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

### COUNTY COMMISSION APPROVAL:

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota.

Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Auditor  
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing:

**"PALMYRA FARMHOUSE SECOND ADDITION  
IN THE W1/2 OF SECTION 18,  
TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

### TREASURER'S CERTIFICATE:

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Treasurer  
Brown County, South Dakota

### DIRECTOR OF EQUALIZATION CERTIFICATE:

I hereby certify that I have received a copy of this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Director of Equalization  
Brown County, South Dakota

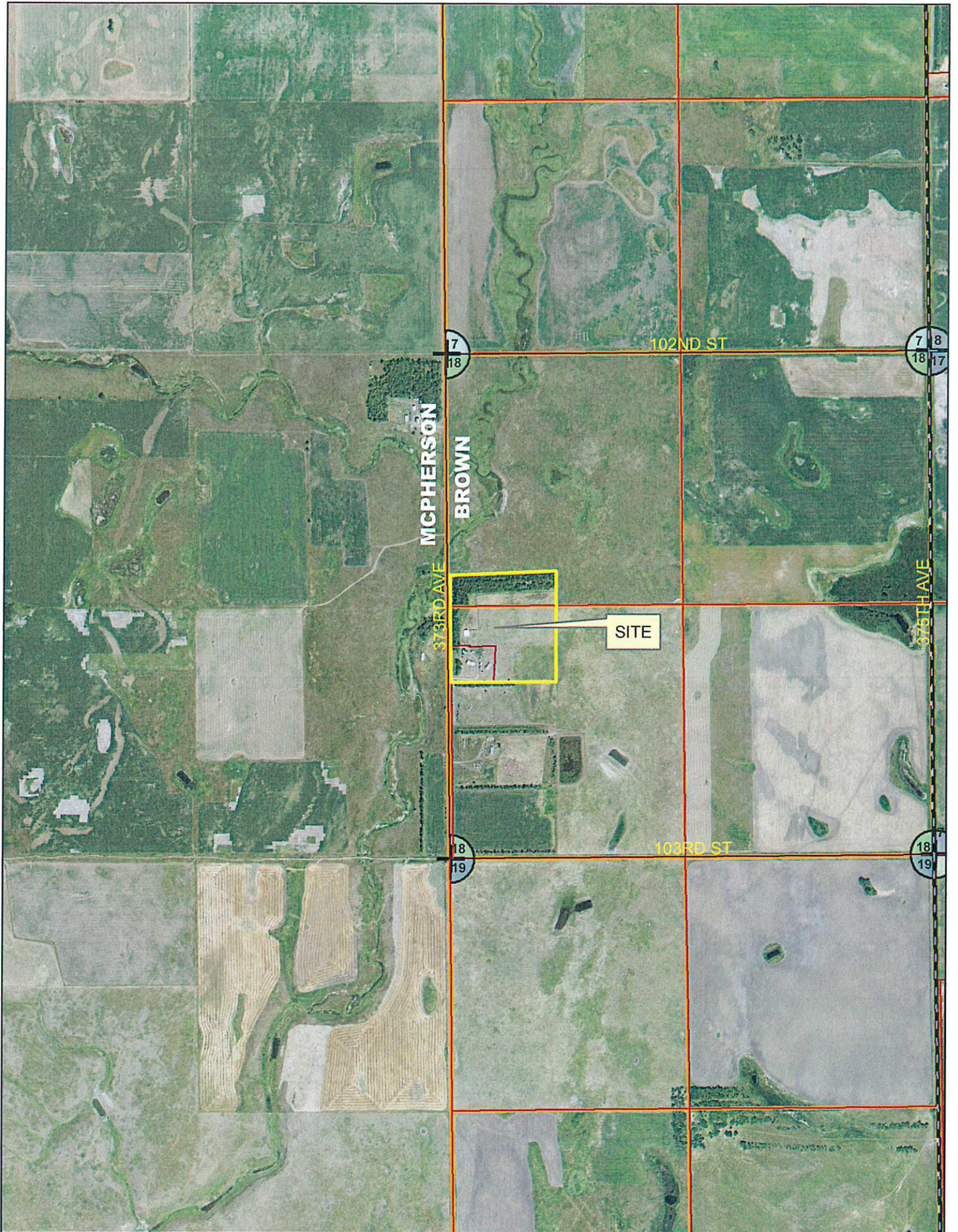
### REGISTER OF DEEDS' CERTIFICATE:

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

at \_\_\_\_\_ O'clock \_\_\_\_\_ M., and duly recorded as Hanging

Plat No. \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
Brown County, South Dakota



7  
18

7 8  
18 17

102ND ST

MCPHERSON

BROWN

373RD AVE

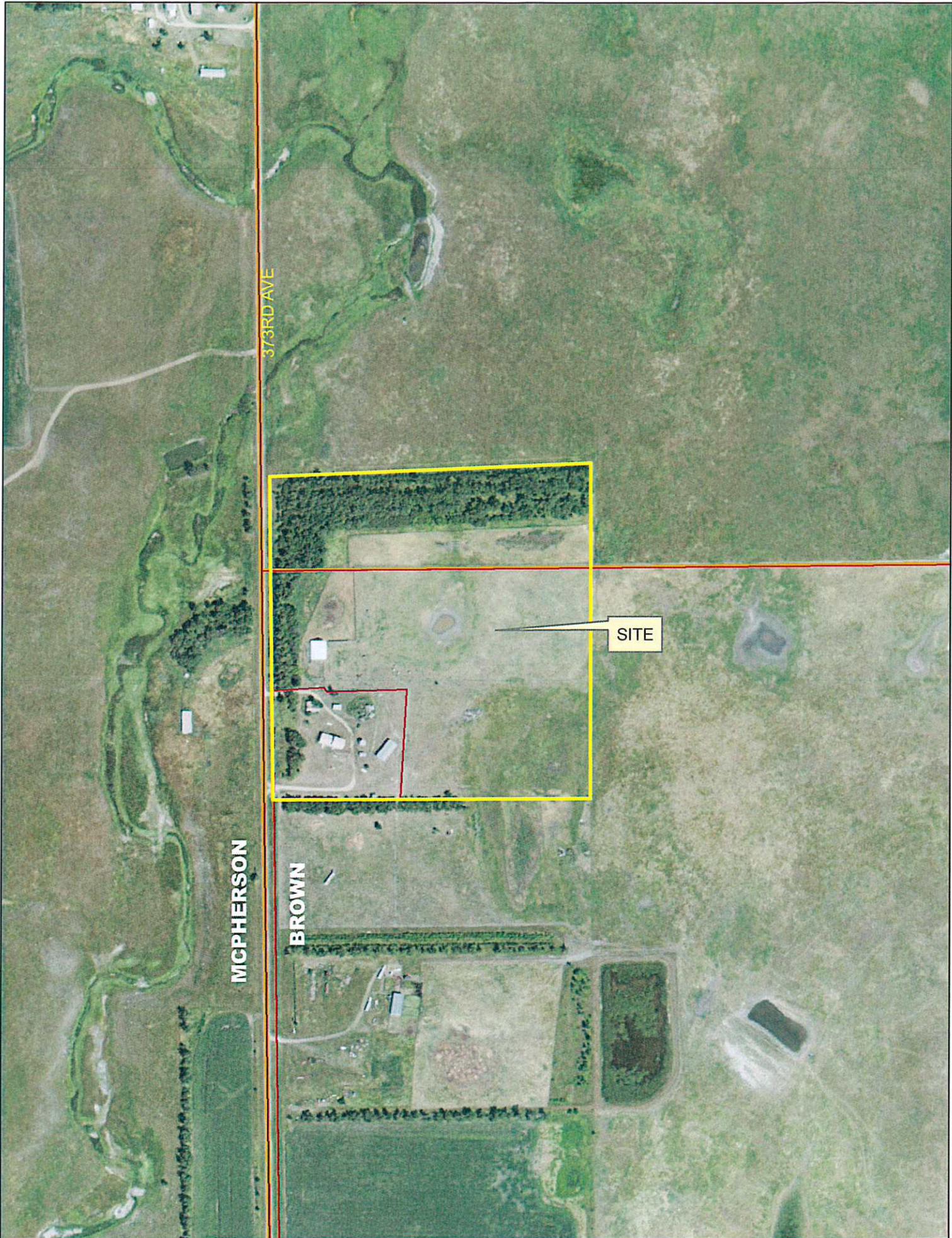
375TH AVE

SITE

18  
19

18  
19

103RD ST



# STAFF REPORT

Meeting: July 16, 2024

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## ***BROWN COUNTY PLANNING COMMISSION***

***PRELIMINARY PLAT REVIEW***

***ITEM # 12***

---

### **GENERAL INFORMATION:**

OWNER:	William Mundhenke
PETITIONER:	James Johnson
REQUEST:	<b>PRELIMINARY PLAT REVIEW</b>
LEGAL DESCRIPTION:	"Johnson Airport Subdivision" in the SW1/4 of Section 22-T123N-R63W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
ADDRESS:	Approx. 1349 S 391 <sup>st</sup> Avenue
CITY/TOWNSHIP:	Bath Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P) / Non-County District (NC)
West:	Non-County District (NC)
East:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

**GENERAL COMMENT:** The petitioner is requesting this Preliminary Plat for review which includes a new road named Anthony Lane. Title 5 Subdivision Ordinances require a Preliminary Plat review with a new dedicated road & road name.

**GENERAL REVIEW:** Staff has reviewed this preliminary plat.



## PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Johnson Airport Subdivision

LEGAL SECTION: QUARTER: SW SECTION: 22 TOWNSHIP: 123 RANGE: 63

MANDATORY LOTS: 1-5 TRACTS \_\_\_\_\_ PARCELS \_\_\_\_\_ OUTLOTS \_\_\_\_\_ OTHER \_\_\_\_\_

SCHOOL DISTRICT: Aberdeen

UTILITIES: WEB water

OWNERS NAMES: William Mundhenke

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Zachary Remily (Assurance Land Surveying)

TYPE: PRELIMINARY  FINAL \_\_\_\_\_ BOTH \_\_\_\_\_ (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$ 25.00 DATE PAID: 06 / 21 / 2024

RECEIVED BY PLANNING DEPARTMENT: 06 / 21 / 2024 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT  CONVEYANCE  FINANCIAL PURPOSES \_\_\_\_\_ OTHER \_\_\_\_\_

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR \_\_\_\_\_ 11 x 17 PHOTO PAPER \_\_\_\_\_ OTHER

STREETS/ROADS NAMED PROPERLY:  NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT:

EXISTING ACCESS SHOWN ON PLAT:  ACCESS PERMISSION NEEDED BY: SD \_\_\_\_\_ BC  TWP \_\_\_\_\_

FULLY DIMENSIONED FROM SECTION CORNER: \_\_\_\_\_ OR QUARTER CORNER:  OR KNOWN MARKER: \_\_\_\_\_

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE:

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township)  SIGNATURE LINE SIGNED: No

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR No TREASURER SIGNATURE LINE SIGNED No

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT:  PROPERTY PINS SHOWN ON ALL CORNERS:

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W

### AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION:  APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PRELIMINARY PLAT APPROVAL

DATE: June 21, 2024  
RECEIPT # 821998  
TOWNSHIP: Aberdeen Township  
BATH

FEE: \$ 25.00  
PAID: YES/NO CHK/CASH Credit Card  
DATE: June 21, 2024

OWNERS SIGNATURE: William Mundhenke  
OWNERS ADDRESS: 14175 406th Avenue  
OWNERS CITY, STATE, ZIP: Groton SD 57445  
OWNERS PHONE: \_\_\_\_\_

AGENTS SIGNATURE: James Johnson  
AGENTS ADDRESS: 24 7th Avenue SW  
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401  
AGENTS PHONE: 605-290-0513

**REQUEST:** The petitioner is requesting this Preliminary Plat for review which includes a new road named Anthony Lane. Title 5 Subdivision Ordinances require a Preliminary Plat review with a new dedicated road & road name.

**LEGAL DESCRIPTION:** "Johnson Airport Subdivision" in the SW1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota

**Planning Commission Action:** Approved / Denied

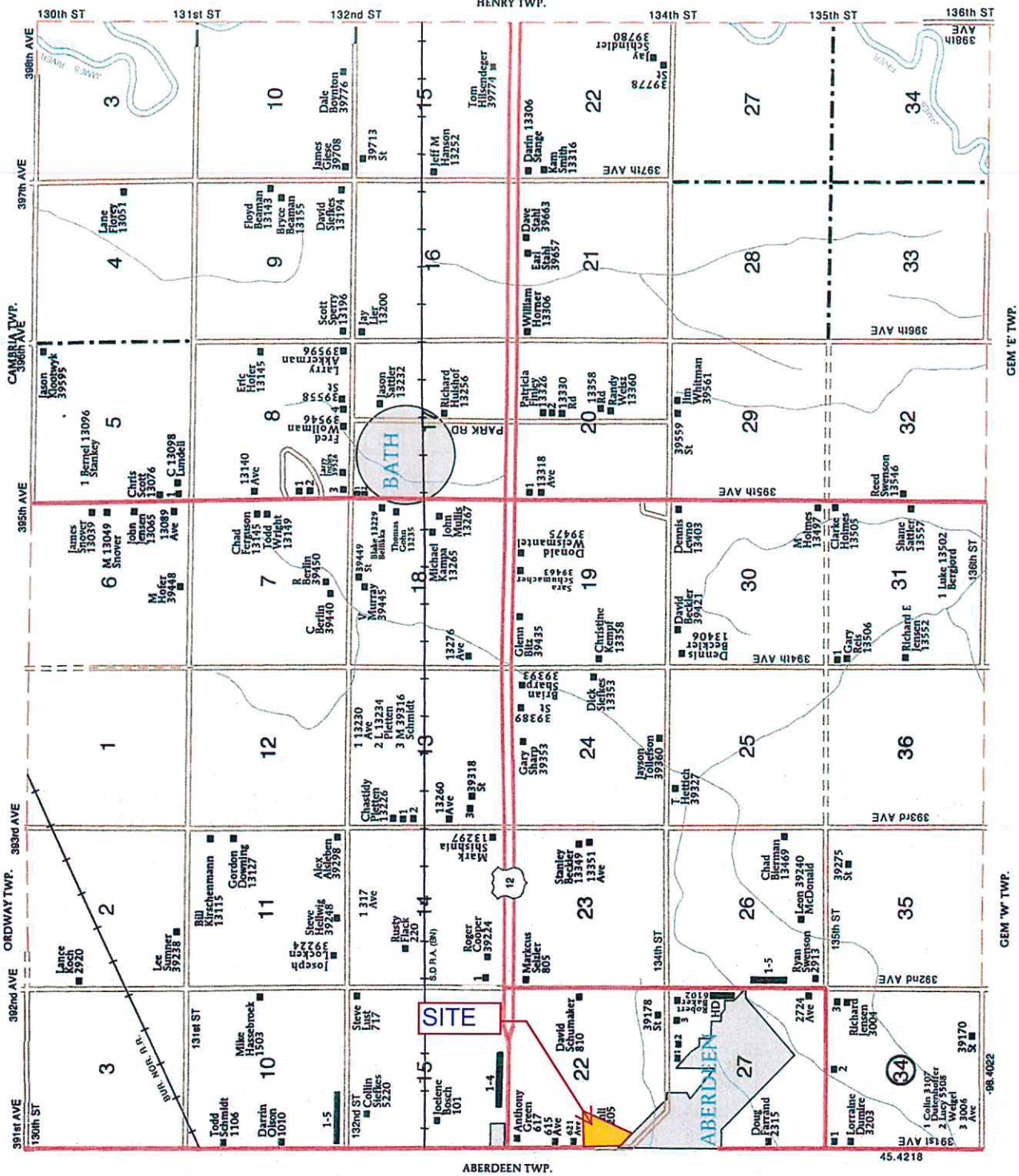
By: \_\_\_\_\_ Date: \_\_\_\_\_

**HEARING DATE:** July 16, 2024 **TIME:** 7:00pm

**MEETING:** located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

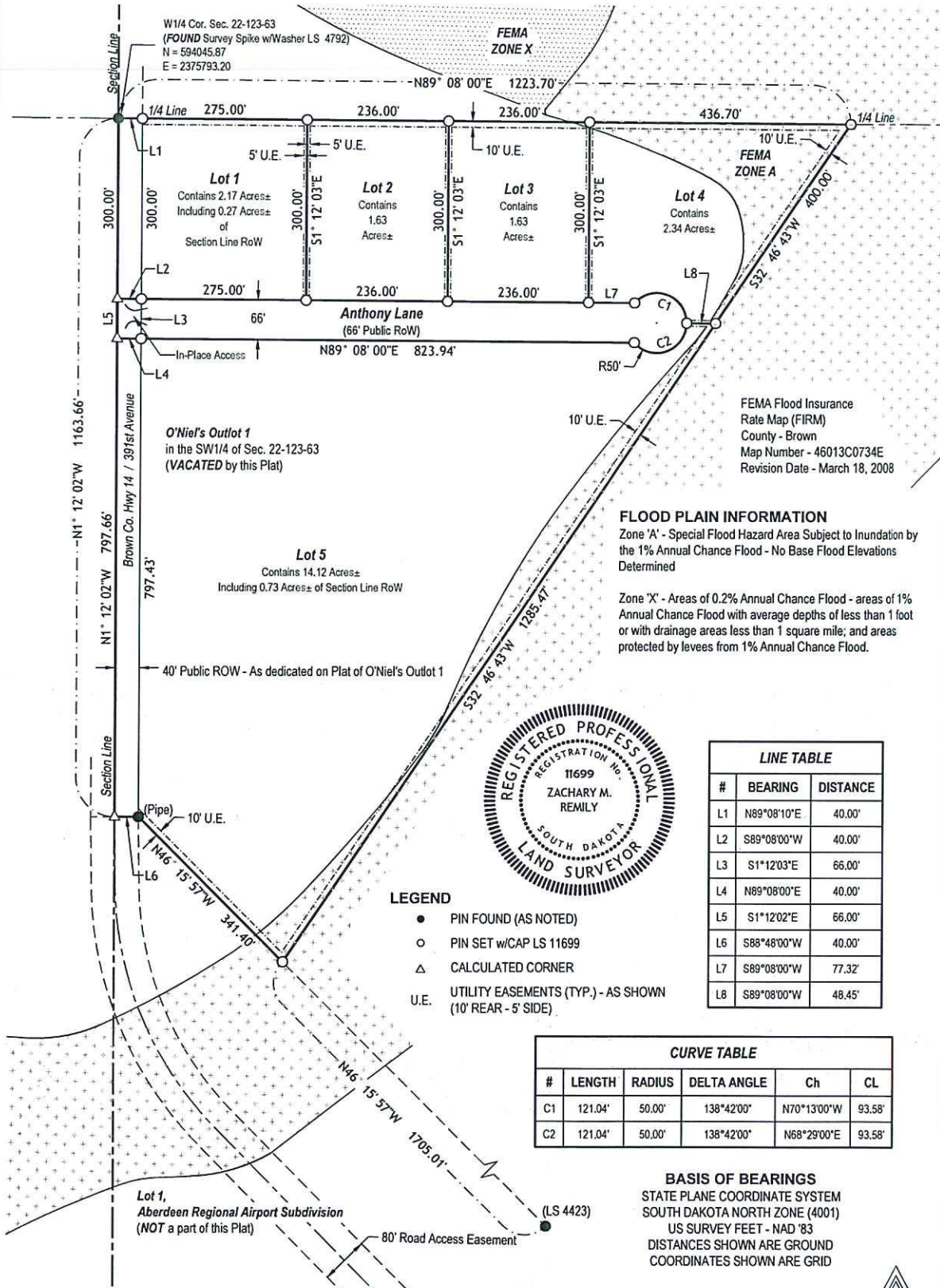
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



- BATH TOWNSHIP**
- SECTION 8**
- 1 Haugen, James 13164
  - 2 Kroil, John 13174
  - 3 Monson, Steve 39510
  - 4 Bruckner, David 39554
- SECTION 10W**
- 1 Bornemann, Kylie 5005
  - 2 Dewey, Justin 5025
  - 3 5091
  - 4 Gross, Del 5115
  - 5 Mathern, A 5219
- SECTION 15W**
- 1 5405
  - 2 Eilers, Todd 5455
  - 3 Ellingson, Melynn 5485
  - 4 Gossman, S 5755
- SECTION 17**
- 1 Buechler, Jerry 13228
  - 2 Wolf, Justyn 13230
- SECTION 20**
- 1 Westphal, Henry 13316
  - 2 Rohrbach, Kevin 13328
- SECTION 26**
- 1 Belikka, Daryl 2111
  - 2 Kolthaus, Paul 2135
  - 3 Grlesse, Doug 2215
  - 4 Bjorklund, Richard 2317
  - 5 Paulson, David 2519
- SECTION 27W**
- 1 Caton, Caleb 5256
  - 2 Johnson, K 5950

# JOHNSON AIRPORT SUBDIVISION

PLAT SHOWING  
IN THE SW1/4 OF SECTION 22,  
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



PLAT SHOWING  
**JOHNSON AIRPORT SUBDIVISION**

IN THE SW1/4 OF SECTION 22,  
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE:**

I, William D. Mundhenke, do hereby certify that I am the owner of O'Niel's Outlot 1, in the Southwest Quarter (SW1/4) of Section Twenty-Two (22), Township One Hundred Twenty-Three (123) North, Range Sixty-Three (63) West of the 5th P.M., Brown County, South Dakota, and that I have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

**"JOHNSON AIRPORT SUBDIVISION IN THE SW1/4 OF SECTION 22,  
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA"**

and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

- By this plat, I, William D. Mundhenke, do hereby VACATE O'Niel's Outlot 1, in the Southwest Quarter (SW1/4) of Section Twenty-Two (22), Township One Hundred Twenty-Three (123) North, Range (63) West of the 5th P.M., Brown County, South Dakota as filed for record on July 7, 1970 at 4:00 P.M., and duly recorded as Hanging Plat No.. 102-E.
- By this plat, I, William D. Mundhenke, do/does hereby DEDICATE to the public forever, **Anthony Lane**, as shown on the attached plat for street purposes.
- By this plat, I, William D. Mundhenke, do hereby DEDICATE for perpetual use by all public utilities, the utility easements shown or referenced on the attached plat.

Owner: **William D. Mundhenke**

Signature \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

COUNTY OF \_\_\_\_\_ )  
STATE OF \_\_\_\_\_ ) SS

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me,

\_\_\_\_\_, the undersigned officer, personally appeared

**William D. Mundhenke** known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**SURVEYOR'S CERTIFICATE:**

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted:

**"JOHNSON AIRPORT SUBDIVISION  
IN THE SW1/4 OF SECTION 22,  
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

\_\_\_\_\_  
ZACHARY M. REMILY, LS 11699

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**HIGHWAY APPROVAL:**

"Existing Access to **BROWN COUNTY HIGHWAY 14** is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

\_\_\_\_\_  
Dirk Rogers, Brown County Highway Superintendent

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PLAT SHOWING

# JOHNSON AIRPORT SUBDIVISION

IN THE SW1/4 OF SECTION 22,

TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

### COUNTY PLANNING COMMISSION APPROVAL:

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota.

Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Secretary of County Planning Commission  
Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing:

**"JOHNSON AIRPORT SUBDIVISION  
IN THE SW1/4 OF SECTION 22,  
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

### COUNTY COMMISSION APPROVAL:

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota.

Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
County Auditor  
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing:

**"JOHNSON AIRPORT SUBDIVISION  
IN THE SW1/4 OF SECTION 22,  
TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

### TREASURER'S CERTIFICATE:

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
County Treasurer  
Brown County, South Dakota

### DIRECTOR OF EQUALIZATION CERTIFICATE:

I hereby certify that I have received a copy of this plat.

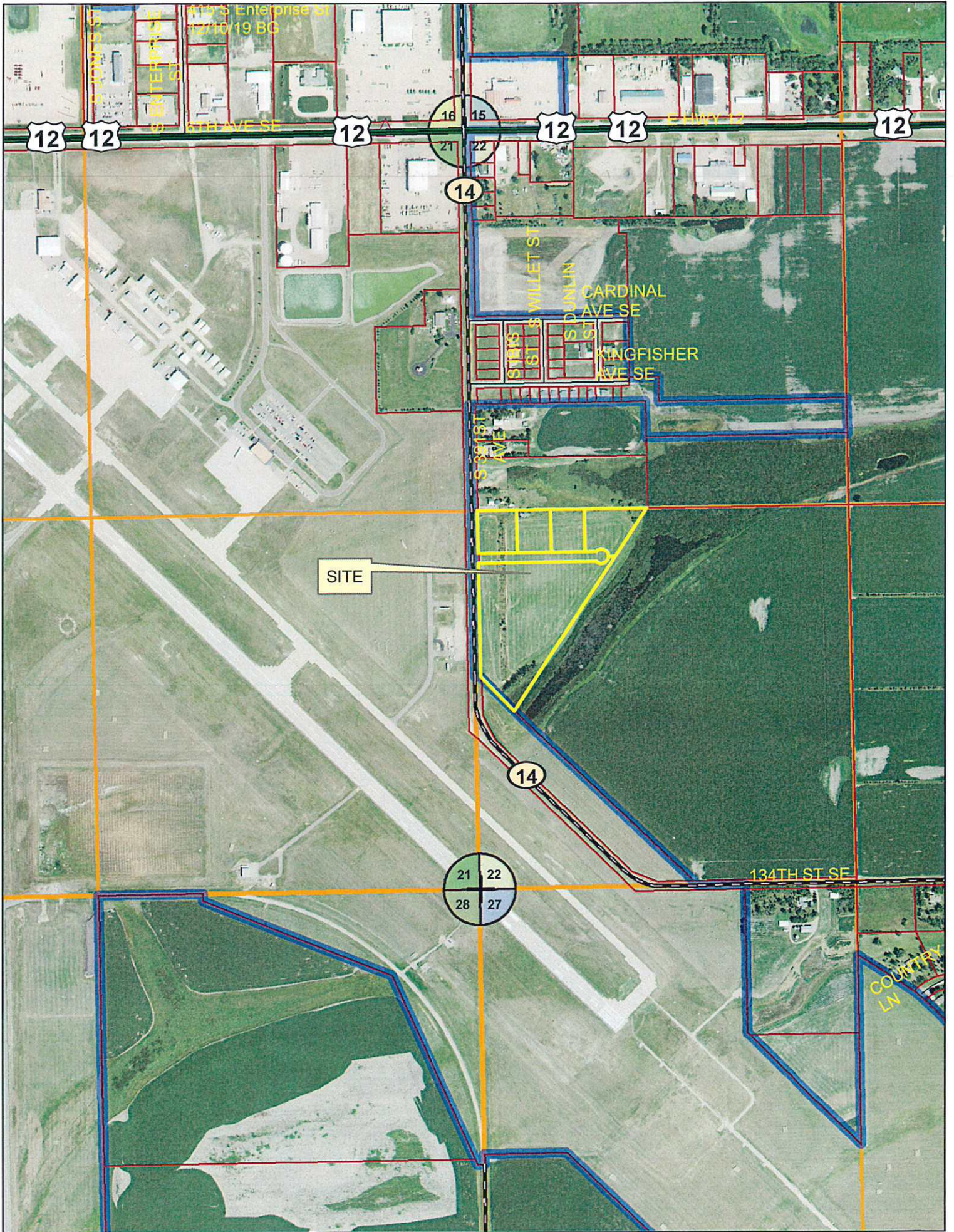
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Director of Equalization  
Brown County, South Dakota

### REGISTER OF DEEDS' CERTIFICATE:

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
at \_\_\_\_\_ O'clock \_\_\_\_ M., and duly recorded as Hanging  
Plat No. \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
Brown County, South Dakota



S JONES ST

S ENTERPRISE ST

419 S Enterprise St  
12710/19 BG

5TH AVE SE

ETHEL LN

12 12

12

12

12

12

16 15  
21 22  
14

S WILLET ST

S DUNLIN ST

CARDINAL AVE SE

KINGFISHER AVE SE

S 91ST AVE

SITE

14

134TH ST SE

21 22  
28 27

COUNTRY LN





# STAFF REPORT

Meeting: July 16, 2024

---

## **BROWN COUNTY PLANNING COMMISSION**

**PRELIMINARY & FINAL PLAT**

**ITEM # 13**

---

**GENERAL INFORMATION:**

OWNER:	Collin C. Gengerke and Debra A. Gengerke Joint Trust
PETITIONER:	Collin & Debra Gengerke
REQUEST:	<b>PRELIMINARY &amp; FINAL PLAT</b>
LEGAL DESCRIPTION:	"Gengerke Richmond Lake Addition" in the NW1/4 of Section 13-T124N-R65W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
ADDRESS:	126365 North Bridge Road
CITY/TOWNSHIP:	Ravinia Twp
EXISTING ZONING	Lake Front Residential District (R-3)
SURROUNDING ZONING:	
Northwest:	Lake / Water (AG-P2)
Southwest:	Lake Front Residential District (R-3)
Northeast:	Lake Front Residential District (R-3)
Southeast:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

**GENERAL COMMENT:** The petitioner is requesting this Preliminary & Final Plat for financial purposes.

**GENERAL REVIEW:** Staff has reviewed this plat. Platting the 4 lots together was a stipulation of the Board of Adjustments from the Gengerke's variance request at the May 21, 2024, meeting.

**PLAT APPROVAL CHECKLIST**

SUBDIVISION NAME: Gengerke Richmond Lake Addition

LEGAL SECTION: QUARTER: NW1/4 SECTION: 13 TOWNSHIP: 124 RANGE: 65

MANDATORY LOTS: 1 TRACTS \_\_\_\_\_ PARCELS \_\_\_\_\_ OUTLOTS \_\_\_\_\_ OTHER \_\_\_\_\_

SCHOOL DISTRICT: Aberdeen

UTILITIES: WEB Water

OWNERS NAMES: Collin C. Gengerke and Debra A. Gengerke Joint Trust

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Zachary Remily (Assurance Land Surveying)

TYPE: PRELIMINARY \_\_\_\_\_ FINAL \_\_\_\_\_ BOTH X (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$150.00 DATE PAID: 06 / 24 / 20 24

RECEIVED BY PLANNING DEPARTMENT: 06 / 24 / 20 24 BY: Chris Anderson

REASON FOR PLAT: DEVELOPMENT \_\_\_\_\_ CONVEYANCE X FINANCIAL PURPOSES \_\_\_\_\_ OTHER \_\_\_\_\_

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR X 11 x 17 PHOTO PAPER \_\_\_\_\_ OTHER \_\_\_\_\_

STREETS/ROADS NAMED PROPERLY: X NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT: \_\_\_\_\_

EXISTING ACCESS SHOWN ON PLAT: X ACCESS PERMISSION NEEDED BY: SD \_\_\_\_\_ BC \_\_\_\_\_ TWP \_\_\_\_\_

FULLY DIMENSIONED FROM SECTION CORNER: \_\_\_\_\_ OR QUARTER CORNER: \_\_\_\_\_ OR KNOWN MARKER: X

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) X SIGNATURE LINE SIGNED: X

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: X PROPERTY PINS SHOWN ON ALL CORNERS: X

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

**AFTER PLANNING COMMISSION MEETING**

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: X APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PLAT APPROVAL

DATE: June 21, 2024  
RECEIPT # 822000  
TOWNSHIP: Ravinia Twp

FEE: \$150.00  
PAID: YES/NO CHK/CASH  
DATE: June 24, 2024

OWNERS NAME (print): Collin C. Gengerke and Debra A. Gengerke Joint Trust  
OWNERS SIGNATURE: Collin C. Gengerke 6-24-2024  
OWNERS ADDRESS: 1003 N 3rd Street  
OWNERS CITY, STATE, ZIP: Groton, SD 57445  
OWNERS PHONE: 605-397-7405 (Deb)  
OWNERS EMAIL: gengerkefarms@nvc.net

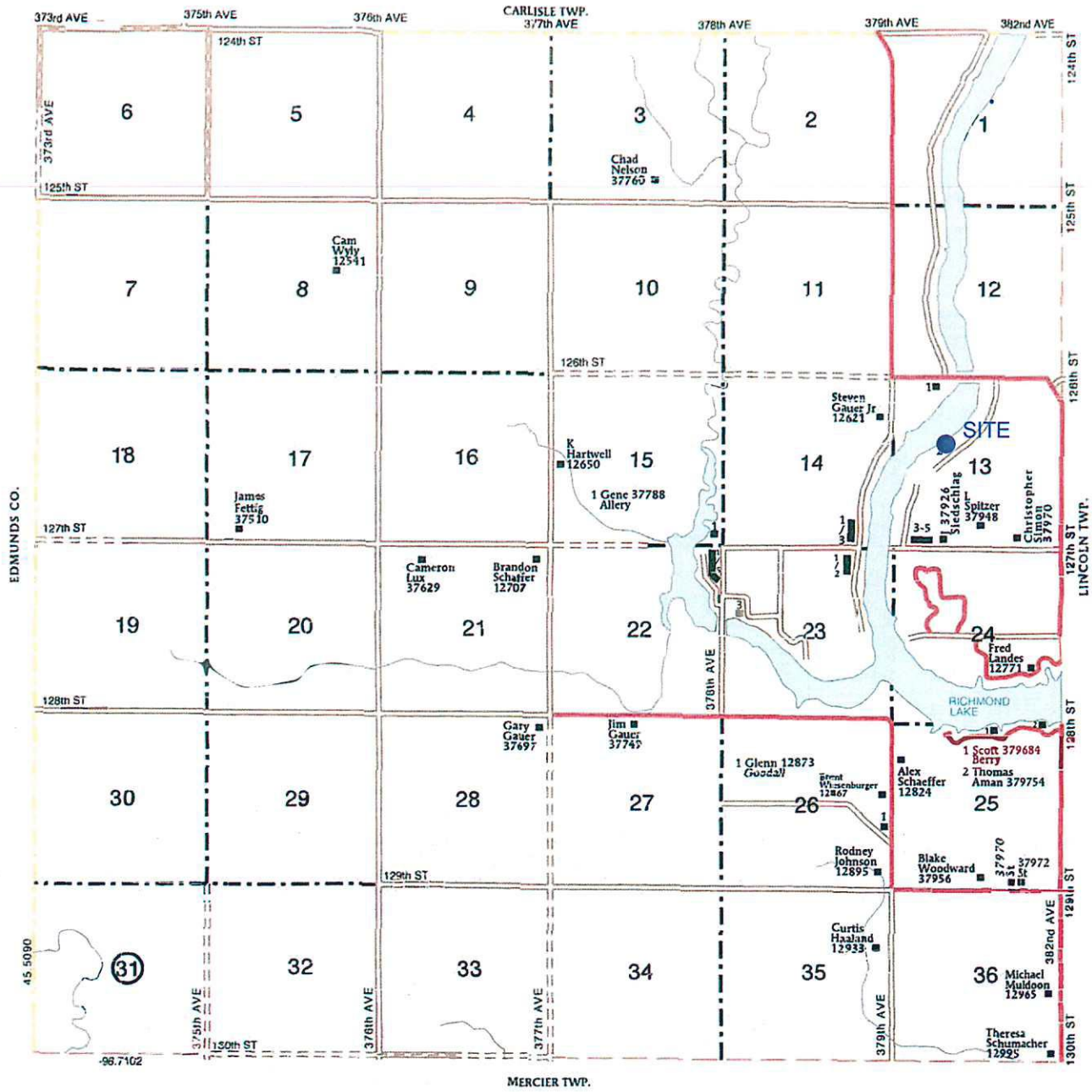
AGENTS NAME (print): \_\_\_\_\_  
AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_  
AGENTS EMAIL: \_\_\_\_\_

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Gengerke Richmond Lake Addition" in the NW1/4 of Section 13-T124N-R65W of the 5th P.M., Brown County, South Dakota (126365 North Bridge Road; Ravinia Twp.)

<b>Planning Commission Action: <u>Approved / Denied</u></b>	
_____	
_____	
By: _____	Date: _____
<b>HEARING DATE:</b> <u>July 16, 2024</u>	<b>TIME:</b> <u>7:00 pm</u>

(Residents - Owners or Renters)



**RAVINIA TOWNSHIP**

- SECTION 13**  
 1 Kirchgessler, Jim 37935  
 2 Bahr, Juatin 126401  
 3 Peterson, L 37902  
 4 Wiest, Brandon 37908  
 5 Goldade, Gerald 37910
- SECTION 14**  
 1 Mishaw, Mark 126926  
 2 Lutz, Douglas 126966  
 3 126974

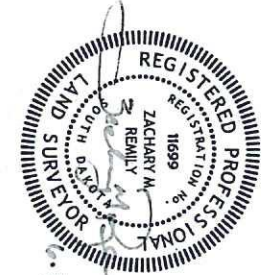
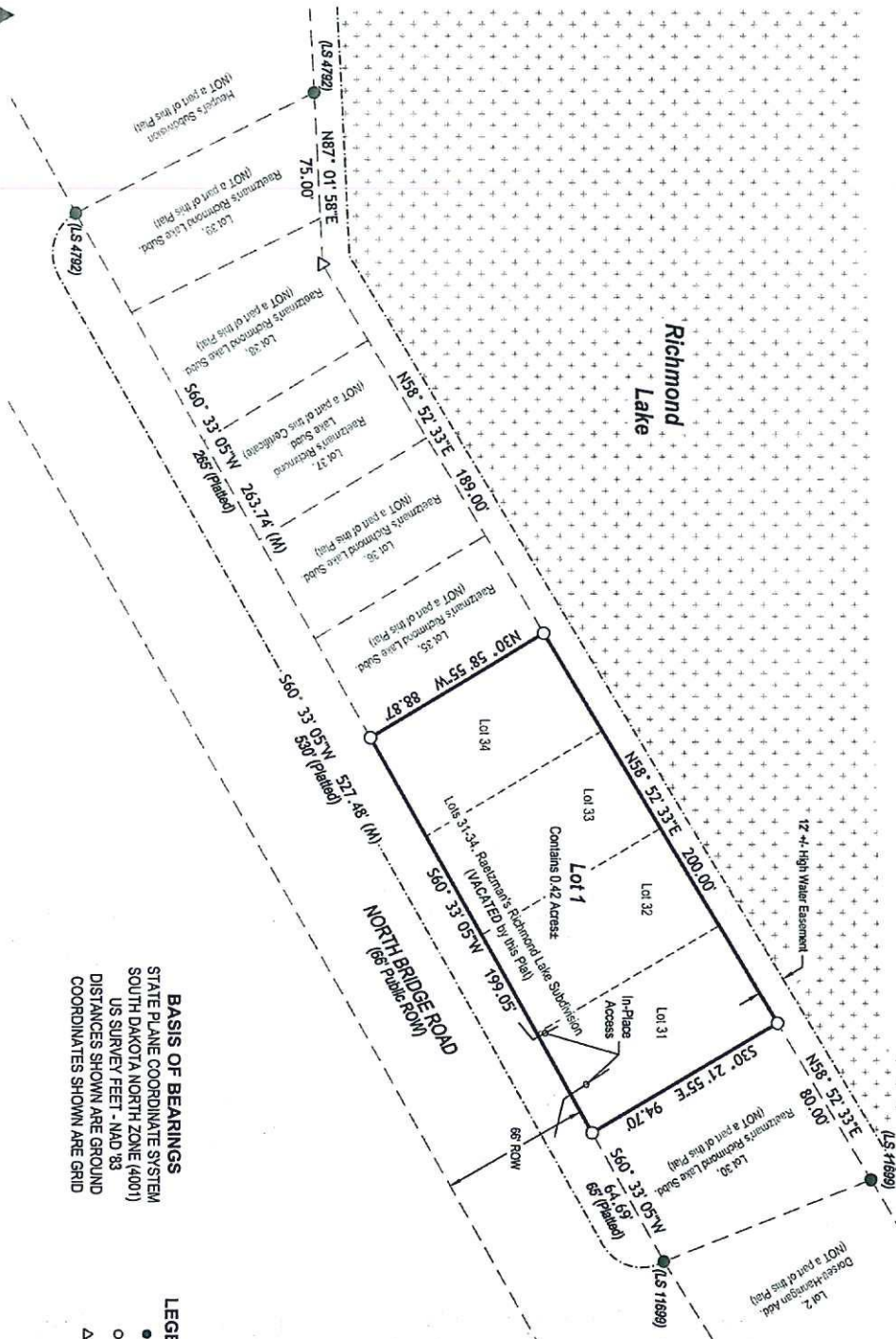
**SECTION 22**

- 1 Myhra, Gary 127093  
 2 Huber, S 127131  
 3 Millett, Craig 127151  
 4 Theyer, Dan 127257  
 5 Wahl, Lanny 127395

**SECTION 23**

- 1 127148  
 2 127216  
 3 Koatts, Pat 12746

PLAT SHOWING  
**GENCERKE RICHMOND LAKE ADDITION**  
 IN THE NW1/4 OF SECTION 13,  
 TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



**BASIS OF BEARINGS**

STATE PLANE COORDINATE SYSTEM  
 SOUTH DAKOTA NORTH ZONE (4001)  
 US SURVEY FEET - NAD 83  
 DISTANCES SHOWN ARE GROUND  
 COORDINATES SHOWN ARE GRID

**LEGEND**

- PIN FOUND (AS NOTED)
- PIN SET w/CAP LS 11699
- △ CALCULATED CORNER



Prepared By:  
**Assurance**  
 LAND SURVEYING

819 14th Avenue S, Faulkton, South Dakota 57438  
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com  
 Project No. ALS24071 Field Survey Date: 05-16-2024

PLAT SHOWING

# GENGERKE RICHMOND LAKE ADDITION

IN THE NW1/4 OF SECTION 13,

TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE:**

The Collin C. Gengerke and Deborah A. Gengerke Joint Trust dated the 14th day of December, 2023, does hereby certify that it is the owner of Lots Thirty-One (31), Thirty-Two (32), Thirty-Three (33) and Thirty-Four (34), Raetzman's Richmond Lake Subdivision in the Northwest Quarter (NW1/4) of Section Thirteen (13), Township One Hundred Twenty-Four (124) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota, and that I have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

**"GENGERKE RICHMOND LAKE ADDITION IN THE NW1/4 OF SECTION 13,  
TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA"**

and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, we, do hereby VACATE Lots Thirty-One (31), Thirty-Two (32), Thirty-Three (33) and Thirty-Four (34), Raetzman's Richmond Lake Subdivision in the Northwest Quarter (NW1/4) of Section Thirteen (13), Township One Hundred Twenty-Four (124) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota as filed for record on October 12, 1962 and duly recorded as Hanging Plat No. 416.

Owner: **Collin C. Gengerke and Deborah A. Gengerke Joint Trust**  
dated the 14th day of December, 2023

Owner: **Collin C. Gengerke and Deborah A. Gengerke Joint Trust**  
dated the 14th day of December, 2023

Collin C. Gengerke, Trustee  
Collin C. Gengerke, Trustee

Deborah A. Gengerke, Trustee  
Deborah A. Gengerke, Trustee

Signed this 24<sup>th</sup> day of June, 2024

Signed this 24<sup>th</sup> day of June, 2024

COUNTY OF Brown )  
STATE OF South Dakota ) SS

COUNTY OF Brown )  
STATE OF South Dakota ) SS

On this the 24<sup>th</sup> day of June, 2024,  
before me, D. Chris Anderson, the undersigned officer,  
personally appeared **Collin C. Gengerke, Trustee of the Collin C.  
Gengerke and Deborah A. Gengerke Joint Trust dated the 14th day of  
December, 2023** known to me or satisfactorily proven to be the person  
who, subscribed to the within instrument and acknowledged that he  
executed the same for the purposes therein contained.

On this the 24<sup>th</sup> day of June, 2024,  
before me, D. Chris Anderson, the undersigned officer,  
personally appeared **Deborah A. Gengerke, Trustee of the Collin C.  
Gengerke and Deborah A. Gengerke Joint Trust dated the 14th day of  
December, 2023** known to me or satisfactorily proven to be the person  
who, subscribed to the within instrument and acknowledged that she  
executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11-02-2027

My Commission Expires: 11-02-2027

D. Chris Anderson  
Notary Public

D. Chris Anderson  
Notary Public

**SURVEYOR'S CERTIFICATE:**

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted:

**"GENGERKE RICHMOND LAKE ADDITION  
IN THE NW1/4 OF SECTION 13,  
TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Zachary M. Remily  
ZACHARY M. REMILY, LS 11689

Signed this 19<sup>th</sup> day of June, 2024.

**HIGHWAY APPROVAL:**

"Existing Access to **NORTH BRIDGE ROAD** is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Print Name & Title

Signature

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



PLAT SHOWING

# GENGERKE RICHMOND LAKE ADDITION

IN THE NW1/4 OF SECTION 13,

TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

### COUNTY PLANNING COMMISSION APPROVAL:

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota.

Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Secretary of County Planning Commission  
Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing:

**"GENGERKE RICHMOND LAKE ADDITION  
IN THE NW1/4 OF SECTION 13,  
TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

### COUNTY COMMISSION APPROVAL:

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota.

Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
County Auditor  
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing:

**"GENGERKE RICHMOND LAKE ADDITION  
IN THE NW1/4 OF SECTION 13,  
TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
BROWN COUNTY, SOUTH DAKOTA"**

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

### TREASURER'S CERTIFICATE:

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
County Treasurer  
Brown County, South Dakota

### DIRECTOR OF EQUALIZATION CERTIFICATE:

I hereby certify that I have received a copy of this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Director of Equalization  
Brown County, South Dakota

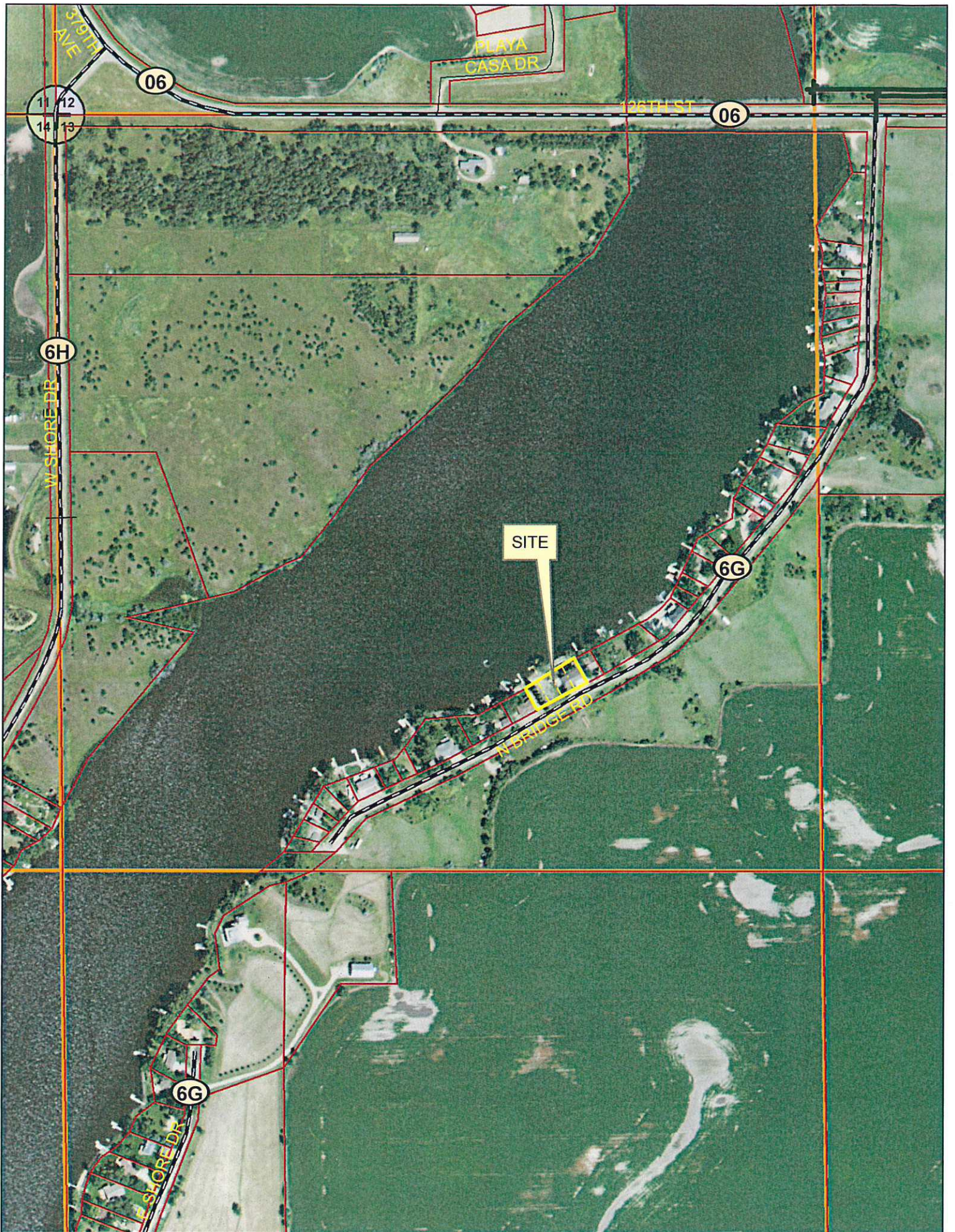
### REGISTER OF DEEDS' CERTIFICATE:

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

at \_\_\_\_\_ O'clock \_\_\_\_ M., and duly recorded as Hanging

Plat No. \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
Brown County, South Dakota



379TH AVE

06

PLAYA CASA DR

26TH ST

06

6H

W SHORE DR

SITE

6G

N BRIDGE RD

6G

E SHORE DR





SITE

6G

N BRIDGE RD

# STAFF REPORT

Meeting: July 16, 2024

---

## ***BROWN COUNTY PLANNING COMMISSION***

***PRELIMINARY & FINAL PLAT***

***ITEM # 14***

---

**GENERAL INFORMATION:**

OWNER:	Alvin & Nancy Haugen
PETITIONER:	Alvin & Nancy Haugen
REQUEST:	<b>PRELIMINARY &amp; FINAL PLAT</b>
LEGAL DESCRIPTION:	"Haugen First Subdivision" in the NE1/4 of Section 23-T124N-R65W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
ADDRESS:	127250 W Shore Drive
CITY/TOWNSHIP:	Ravinia Twp
EXISTING ZONING	Lake Front Residential District (R-3)
SURROUNDING ZONING:	
North:	Lake Front Residential District (R-3)
South:	Lake Front Residential District (R-3)
West:	Lake Front Residential District (R-3) / Mini-Agriculture District (M-AG)
East:	Richmond Lake (AG-P2)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

**GENERAL COMMENT:** The petitioner is requesting this Preliminary & Final Plat for financial purposes.

**GENERAL REVIEW:** Staff has reviewed this plat. Planning & Zoning Office is requiring the petitioner to combine 3 lots into 1 lot for the construction of a new residence.

## PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Haugen First Subdivision

LEGAL SECTION: QUARTER: NE1/4 SECTION: 23 TOWNSHIP: 124 RANGE: 65

MANDATORY LOTS: 1 TRACTS \_\_\_\_\_ PARCELS \_\_\_\_\_ OUTLOTS \_\_\_\_\_ OTHER \_\_\_\_\_

SCHOOL DISTRICT: Aberdeen

UTILITIES: WEB Water

OWNERS NAMES: Alvin & Nancy Haugen

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Keith Howe (Howe Surveying LLC)

TYPE: PRELIMINARY \_\_\_\_\_ FINAL \_\_\_\_\_ BOTH X (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$150.00 DATE PAID: 06 / 28 / 20 24

RECEIVED BY PLANNING DEPARTMENT: 07 / 03 / 20 24 BY: Chris Anderson

REASON FOR PLAT: DEVELOPMENT \_\_\_\_\_ CONVEYANCE \_\_\_\_\_ FINANCIAL PURPOSES X OTHER \_\_\_\_\_

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR X 11 x 17 PHOTO PAPER \_\_\_\_\_ OTHER \_\_\_\_\_

STREETS/ROADS NAMED PROPERLY: X NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT: \_\_\_\_\_

EXISTING ACCESS SHOWN ON PLAT: \_\_\_\_\_ ACCESS PERMISSION NEEDED BY: SD \_\_\_\_\_ BC \_\_\_\_\_ TWP \_\_\_\_\_

FULLY DIMENSIONED FROM SECTION CORNER: \_\_\_\_\_ OR QUARTER CORNER: \_\_\_\_\_ OR KNOWN MARKER: X

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) X SIGNATURE LINE SIGNED: X

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: X PROPERTY PINS SHOWN ON ALL CORNERS: X

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

### AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: X APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: \_\_\_\_\_ APPROVE \_\_\_\_\_ DENY \_\_\_\_\_ RE-SUBMIT ON \_\_\_\_\_

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR PLAT APPROVAL

DATE: June 21, 2024  
RECEIPT # 822011  
TOWNSHIP: Ravinia Twp

FEE: \$150.00  
PAID: YES/NO CHK/CASH  
DATE: June 28, 2024

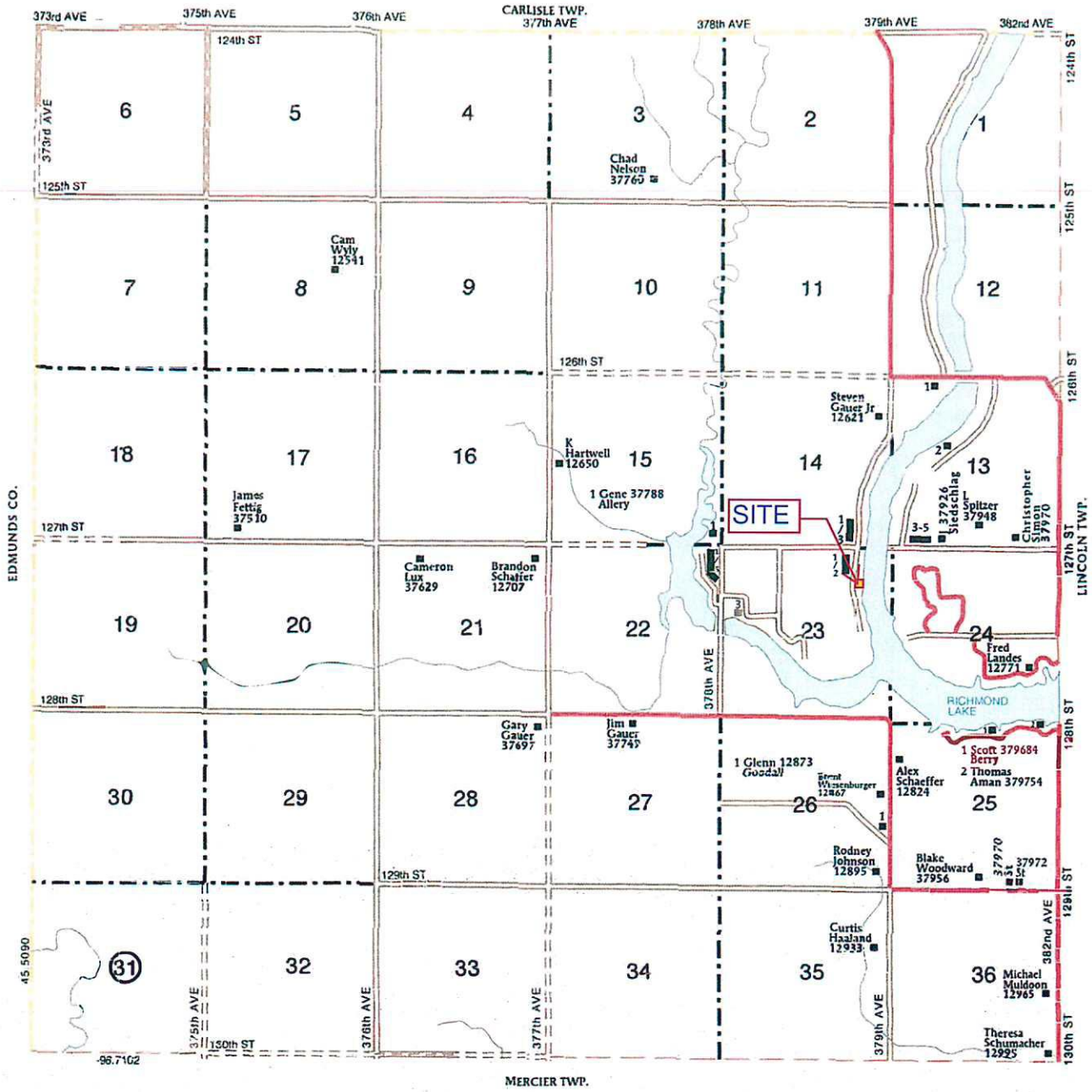
OWNERS NAME (print): Alvin & Nancy Haugen  
OWNERS SIGNATURE: *Alvin Haugen* 6/28/2024  
OWNERS ADDRESS: 3630 Rolling Meadows Drive  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-216-4767 (Nancy)  
OWNERS EMAIL: \_\_\_\_\_

AGENTS NAME (print): \_\_\_\_\_  
AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_  
AGENTS EMAIL: \_\_\_\_\_

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Haugen First Subdivision" in the NE1/4 of Section  
23-T124N-R65W of the 5th P.M., Brown County, South Dakota  
(127250 W Shore Drive; Ravinia Twp.)

<b>Planning Commission Action: Approved / Denied</b> _____	
_____	
By: _____	Date: _____
<b>HEARING DATE:</b> <u>July 16, 2024</u>	<b>TIME:</b> <u>7:00 pm</u>



**RAVINIA TOWNSHIP**

**SECTION 13**

- 1 Kirchgaster, Jim 37935
- 2 Bahr, Jualln 126401
- 3 Peterson, L 37902
- 4 Wiest, Brandon 37908
- 5 Goldado, Gerald 37910

**SECTION 14**

- 1 Mishaw, Mark 126928
- 2 Lutz, Douglas 126966
- 3 126974

**SECTION 22**

- 1 Myhre, Gary 127093
- 2 Huber, S 127131
- 3 Millett, Craig 127151
- 4 Theyer, Dan 127257
- 5 Wahl, Lanny 127395

**SECTION 23**

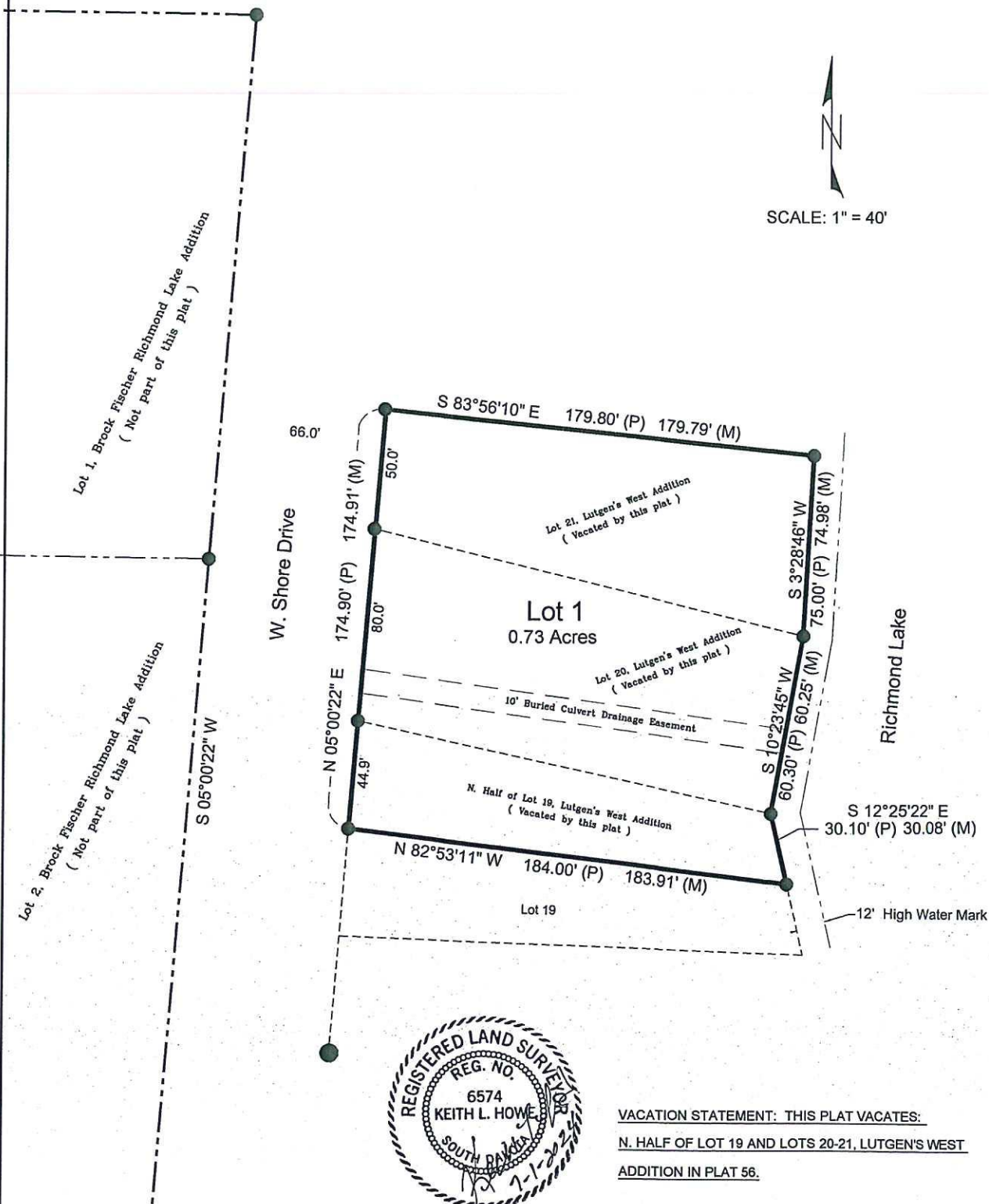
- 1 127148
- 2 127216
- 3 Koatts, Pat 12748

# PLAT OF HAUGEN FIRST SUBDIVISION

IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 124 NORTH,  
RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA



SCALE: 1" = 40'



**VACATION STATEMENT: THIS PLAT VACATES:**  
**N. HALF OF LOT 19 AND LOTS 20-21, LUTGEN'S WEST**  
**ADDITION IN PLAT 56.**

**BASIS OF BEARINGS**  
 EAST LINE OF LOT 2, BROCK FISCHER  
 FIRST RICHMOND LAKE ADDITION  
 AS S 5° 00' 022" W

- LEGEND**
- DENOTES MONUMENT FOUND
  - DENOTES 5/8" IRON MONUMENT SET WITH CAP STAMPED HOWE LS 6574
  - ◇ CALCULATED POINT

Prepared By:  
 HOWE SURVEYING LLC  
 43391 126th Street ROSLYN, SD 57261

OWNER'S CERTIFICATE

We, Alvin E. Haugen and Nancy A. Haugen, Do hereby certify that they are the absolute and unqualified owners of the North Half of Lot 19 and all of Lots 20 & 21, Lutgen's West Addition in the Northeast Quarter (NE1/4) of Section Twenty-Three (23), Township One Hundred Twenty-Four (124) North, Range Sixty-Five (65) West of the 5th P.M., Brown County, South Dakota and that we have caused the same to be surveyed and platted as shown as "HAUGEN FIRST SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 124 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA". Development of this land shall conform to all existing applicable zoning, subdivisio and sediment control regulations.

DECLARATION OF VACATION

Know all men by these presents that we the undersigned hereby declare to vacate that portion as shown on the foregoing plat, North Half of Lot 19, Lots 20 & 21, Lutgen's West Addition in the NE 1/4 of Section 23, T. 124 N., R. 65 West of the 5th P.M., Brown County, South Dakota" as recorded in Book 56 by Register of Deeds, Brown County, South Dakota.

Signed this 3<sup>rd</sup> day of July 2024.

Alvin E. Haugen  
Alvin E. Haugen

Nancy A. Haugen  
Nancy A. Haugen

STATE OF SOUTH DAKOTA)  
COUNTY OF Brown )SS

On this 3<sup>rd</sup> day of July A.D., 2024 before me, a Notary Public, personally appeared Alvin E. Haugen and Nancy A. Haugen who by me duly sworn, did say that they are the owners named in the foregoing instrument and that they acknowledged said instrument for the purpose therein stated.

Chris Anderson 11-02-2027  
Notary Public, My Commission Expires

SURVEYOR'S CERTIFICATE

I, Keith L. Howe, a Registered Land Surveyor of the State of South Dakota do hereby certify that I did on or before June 9th, I surveyed that parcel of land described as HAUGEN FIRST SUBDIVISION in Brown County, South Dakota.

Witness my hand and seal this 1<sup>st</sup> day of July A.D., 2024.

Keith L. Howe  
Keith L. Howe, Land Surveyor  
S.D. Reg. No. 6574



COUNTY PLANNING COMMISSION APPROVAL

I, Planning Director, of the County of Brown, South Dakota, do hereby certify that this plat has been reviewed by me or my authorized agent and has been approved.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_.

\_\_\_\_\_  
Secretary of Planning Commission, Brown County, South Dakota

COUNTY COMMISSION APPROVAL

I do hereby certify that the above certificate of approval is true and correct including the signature thereon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_.

\_\_\_\_\_  
County Auditor, Brown County, South Dakota

DIRECTOR OF EQUALIZATION

I, Director of Equalization of Brown County, South Dakota hereby certify that a copy of the above plat has been filed at my office.

\_\_\_\_\_  
Director of Equalization, Brown County, South Dakota

COUNTY TREASURER'S CERTIFICATE

I, \_\_\_\_\_, Treasurer of Brown County, South Dakota, do hereby certify that all the taxes which are liens upon any land included in the above and foregoing plat, as shown by records of my office, have been fully paid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_.

\_\_\_\_\_  
Treasurer, Brown County, South Dakota

HIGHWAY AUTHORITY CERTIFICATE

The location of the in-place access road, is hereby approved. Any changes in the in-place access shall require additional approval.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name and Title

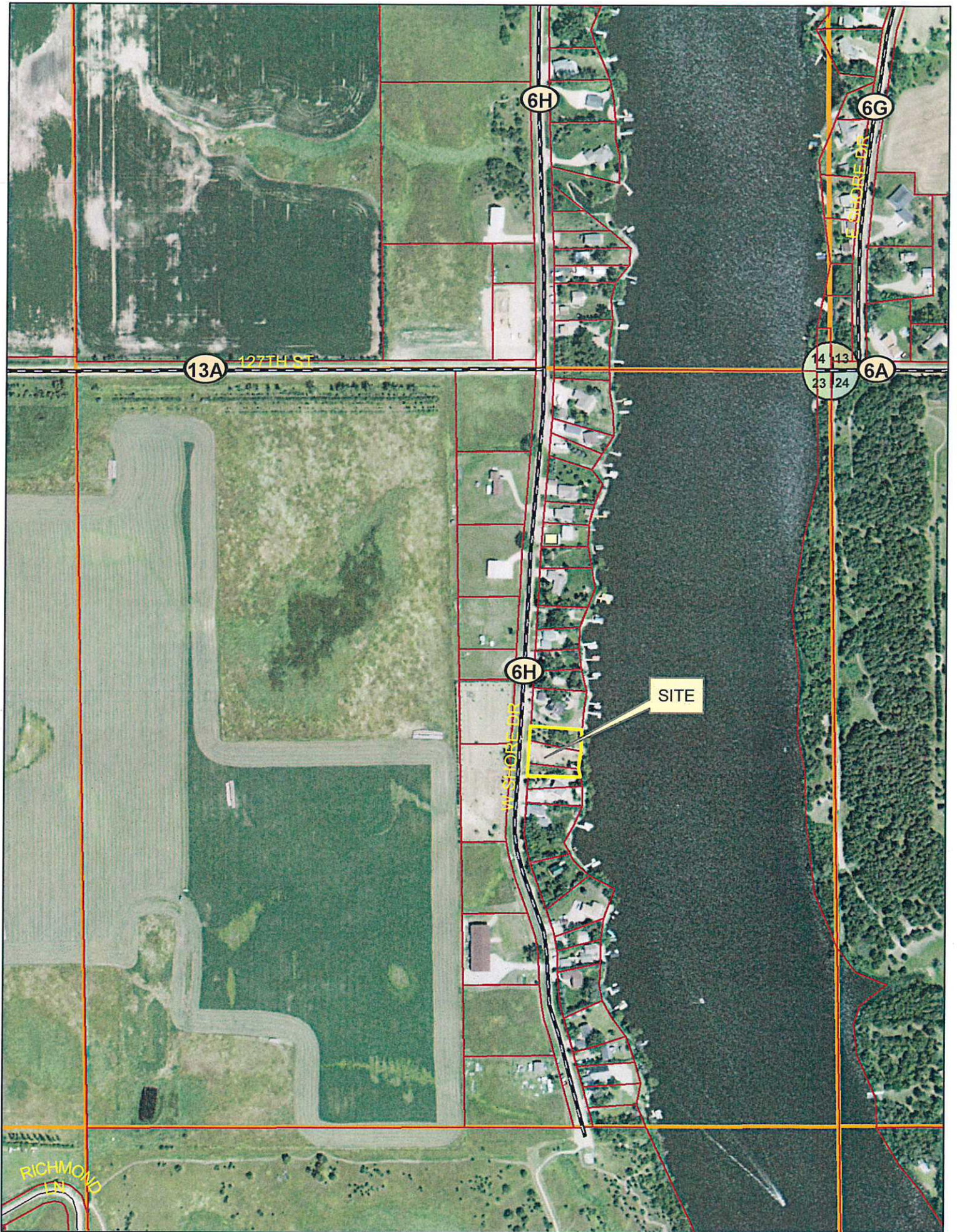
\_\_\_\_\_  
Signature

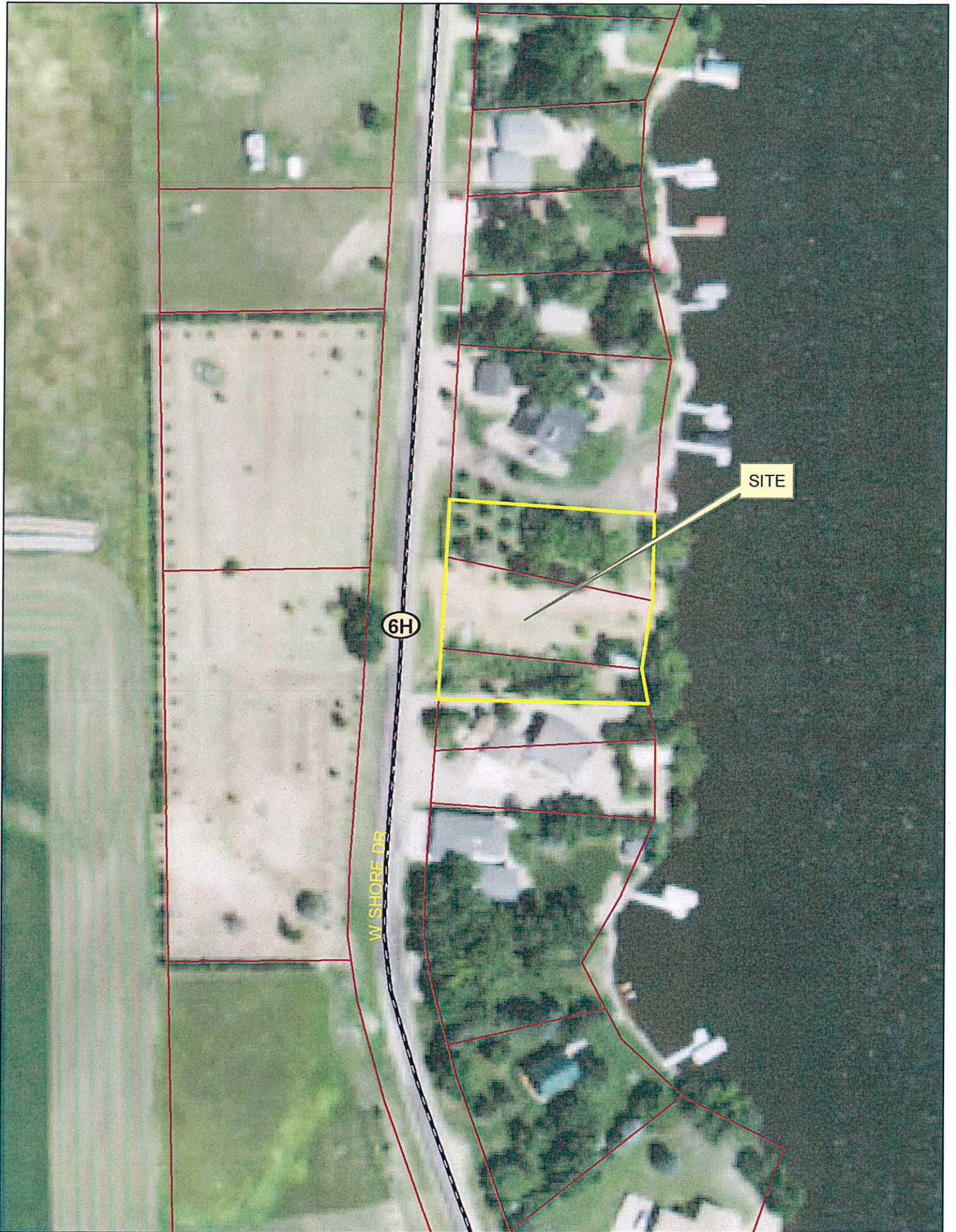
REGISTER OF DEEDS

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., and recorded in Book \_\_\_\_\_ of Plats on page \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds, Brown County, South Dakota







W SHORE DR

6H

SITE