

# MINUTES

## REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY AUGUST 20, 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, Dale Kurth, James Meyers, Carrie Weisenburger, County Commissioner Michael Gage (*who serves on this Board per SDCL 11-2-2*), Paul Johnson (*Alternate P&Z Commissioner*). Pat Keatts was absent.
- III. **Agenda:** After discussion, Gage moved and Weisenburger seconded to approve this August 20, 2024, Planning/Zoning Commission Agenda as presented. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Gage moved and Kurth seconded to approve July 16, 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 has submitted Zoning Board of Adjustment (BOA) Agenda items such as a Variance Petition (VP) or Conditional Use Petition (CUP) that get approved, are still required to follow up with their PERMITS from the Zoning Office before starting their project.
- VI. **New Business:** *Planning/Zoning Commission as Zoning Board of Adjustment (BOA)*
  - 1) **Conditional Use Petition** in a Mini-Agriculture District (M-AG) described as Lot B, “Leibel First Addition” in the NE1/4 of Section 11-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13115 393<sup>rd</sup> Avenue, Bath Twp.). Submitted by Tigh & Kelly Leibel. Tigh & Kelly Leibel, Gordon (Butch) Downing, Dale Boynton (Bath Twp. Chairman), Alex and Jennifer Alsleben were all in attendance for this item. Following discussion on Findings of Facts (FoF), Gage moved, and Meyers seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, Gage moved, and Meyers seconded to **approve a Conditional Use Petition (CUP)** to operate “Diamondback Kennels” and build a 60’ x 56’ shop/kennel in a Mini-Agriculture District (M-AG) for training up to 36 dogs maximum at one time with the conversation that the kennel building is going to be moved further north than the submitted site plan showed and closer to petitioner’s house, the kennels must be well insulated for sound, and more trees need to be planted sporadically around the south yard to also help absorb any sound. All members voting aye, motion carried.
  - 2) **Conditional Use Petition** in a future Mini-Agriculture District (M-AG) described as Lot 1, “Johnson South Third Subdivision” in the NE1/4 of Section 22-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13919 386<sup>th</sup> Avenue, Warner Twp.). Submitted by Jackie Holler-S & P Holdings LLC. Adam Holler & Tom Erickson were in attendance for this item. Following discussion on Findings of

Facts (FoF), North moved, and Meyers seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, North moved, and Meyers seconded to **approve a Conditional Use Petition (CUP)** to operate a home seed business in a future Mini-Agriculture District (M-AG). All members voting aye, motion carried.

- 3) **Variance to Building Setbacks** in a Lake Front Residential District (R-3) described as Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37306 132<sup>nd</sup> Street, Mercier Twp.). Submitted by Carmen Morrison. No one was in attendance for this item. Following discussion on Findings of Facts (FoF), Weisenburger moved, and Gage seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, Weisenburger moved, and Gage seconded to **approve a Variance to Building Setbacks** to have a 25'-0" North Front Yard Setback rather than the 38'-0" and an 18'-0" South Rear Yard Setback rather than the 30'-0" Setback required for a new house with attached garage and north side deck, all members voting aye, motion carried.
- 4) **Variance to Building Setbacks** in an Agriculture Preservation District (AG-P) described as North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W. The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5<sup>th</sup> P.M., Brown County, South Dakota (12604 & 12606 395<sup>th</sup> Avenue, Cambria Twp.). Submitted by Travis & Danielle Olson. Travis & Danielle Olson were in attendance for this item. Following discussion on Findings of Facts (FoF), 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 a 50'-0" West Front Yard Setback rather than the 100'-0" Setback required for a new 28' x 30' attached garage w/small breezeway, all members voting aye, motion carried.

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

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### BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, AUGUST 20, 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 postponed 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 Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13919 386<sup>th</sup> Avenue; Warner Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by S & P Holdings LLC-Jackie Holler. Adam Holler & Tom Erickson were in attendance for this item. Following discussion, Gage moved, Johnson seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners, all members voting aye, motion carried.

- 11) **Rezoning Petition** for a property described as proposed Outlot 2, "Aberdeen Twp 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38380 W Hwy 12; Aberdeen Twp.) to be rezoned from Heavy Industrial District (H-I) to Highway Commercial District (HC). Submitted by Jeff Walth. Jeff Walth & Jake Ochsner were in attendance for this item. Following discussion, North moved, Kurth seconded to **recommend approval of the Rezoning Petition** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 12) **Rezoning Petition** for a property described as "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11646 387<sup>th</sup> Avenue; Oneota Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Amy Gulstad. There wasn't anyone in attendance for this item. Following discussion, Weisenburger moved, Kurth seconded to **recommend approval of the Rezoning Petition** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 13) **Preliminary & Final Plat** for financial and conveyance purposes on a property described as "Aberdeen Twp 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38360, 38380 & 38390 W Hwy 12; Aberdeen Twp). Submitted by Ochsner Real Estate LP II-Jake Ochsner. Jake Ochsner was in attendance for this item. Following discussion, Gage moved, North seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 14) **Preliminary Plat** for review purposes on a property described as "Larkota Acres First Addition" in the N1/2 of the SW1/4 of Section 3-T121N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (Approx. 14262 385<sup>th</sup> Avenue; Warner Twp.). Submitted by Larkota Acres LLC-Briann & Lisa Larson. Briann & Lisa Larson were in attendance for this item. Following discussion, North moved, Weisenburger seconded to **recommend approval of the Preliminary Plat with the stipulation** that the Circle diameter by Lot 12 be adjusted to ordinance for emergency services & a turn-around be installed 1/2 way on Larkota Drive, to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 15) **Preliminary & Final Plat** for conveyance purposes on a property described as "Houghton Cemetery First Addition Includes Blocks H, I, J, and K" in the NE1/4 of Section 7-T126N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11305 401<sup>st</sup> Avenue; Shelby Twp). Submitted by Shelby Township-Chuck Knecht. There wasn't anyone in attendance for this item. Following discussion, Meyers moved, Kurth seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 16) **Preliminary & Final Plat** for conveyance purposes on a property described as "Bergman Second Addition" in the SW1/4 of Section 11-T122N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37804 138<sup>th</sup> Street; Highland Twp). Submitted by Carlton & Stacia Willems. There wasn't anyone in attendance for this item. Following discussion, Johnson moved, Weisenburger seconded to **recommend approval of the 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, Johnson moved and Weisenburger seconded to adjourn the meeting, all members voting aye, motion carried.

Submitted by: Planning/Zoning Director Scott Bader.