

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY DECEMBER 17, 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*) and Pat Keatts. Paul Johnson (*Alternate P&Z Commissioner*) was also in attendance in audience.
- III. **Agenda:** After discussion, North moved and Keatts seconded to approve the December 17, 2024, Planning/Zoning Commission Agenda as presented. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Gage moved and Keatts seconded to approve the November 19, 2024, Planning/Zoning Commission Minutes with changes, 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) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as Lot 1, “Gubin Second Subdivision” in the SE1/4 of Section 22-T121N-R62W of the 5th P.M., Brown County, South Dakota (14555 398th Avenue; East Rondell Twp.). Submitted by Darin Gubin for owner Ronald Gubin. Darin Gubin was in attendance for this item. Following discussion on Findings of Facts (FoF), Meyers moved, and Kurth seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, Meyers moved, and Kurth seconded to **approve a Variance for Lot Size** to allow proposed Lot 1 (4.25 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.
 - 2) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, “Pharis Cattle Real Estate Addition” in the SE1/4 of Section 32-T125N-R61W of the 5th P.M., Brown County, South Dakota (12395 402nd Avenue; Claremont Twp.). Submitted by Kevin Pharis. No one was in attendance for this item. Following discussion on Findings of Facts (FoF), 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 for Lot Size** to allow

proposed Lot 1 (6.49 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.

- 3) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, “B and E Kolb First Addition” in the S1/2 of the SW1/4 of Section 33-T124N-R64W of the 5th P.M., Brown County, South Dakota (12980 384th Avenue; Lincoln Twp.). Submitted by Brandon & Erin Kolb. No one was in attendance for this item. Following discussion on Findings of Facts (FoF), 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 Variance for Lot Size** to allow proposed Lot 1 (5.76 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.
- 4) **Conditional Use Petition** in a Heavy Industrial District (H-I) described as Lot 4, “Wheat Grower’s West Subdivision” and Lot 2, “HGF Addition” in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38469 133rd Street; Aberdeen Twp.). Submitted by Steve Sears and Paul Calkins for Glacial Lakes Energy. Paul Calkins & Steve Sears were in attendance for this item. Following discussion on Findings of Facts (FoF), Kurth moved, and Keatts seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Kurth moved, and Keatts seconded to **approve a Conditional Use Petition (CUP)** for a new 40’ x 64’ processing building in a Heavy Industrial District (H-I). All members voting aye, motion carried.
- 5) **Variance to Building Setbacks** in a Lake Front Residential District (R-3) described as Lot 13, “Schaunaman’s Replat of Miller’s Richmond Lake Subdivision” in the SW1/4 of Section 19-T124N-R64W of the 5th P.M., Brown County, South Dakota (382009 North Shore Drive; Lincoln Twp.). Submitted by Chris & Amber Odde. Chris Odde was in attendance for this item. Following discussion on Findings of Facts (FoF), 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 for Setbacks** to allow a 7’-0” North Rear Yard Setback rather than the 30’-0” Setback required by Brown County Ordinance 4.1006 to build a 30’ x 40’ garage, all members voting aye, motion carried.
- 6) **Conditional Use Petition** in a Mini-Agriculture District (M-AG) described as Lot 16, “Howling Woods Subdivision” in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (2935 Howling Woods Lane; Aberdeen Twp.). Submitted by Troy and Rebecca Woehl. Troy & Rebecca Woehl were in attendance for this item. Following discussion on Findings of Facts (FoF), North moved, and Weisenburger seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, North moved, and Weisenburger seconded to **approve a Conditional Use Petition (CUP)** for a new 24’ x 24’ water service building in a Mini-Agriculture District (M-AG). All members voting aye, motion carried.
- 7) **Variance to Building Setbacks** in a Mini-Agriculture District (M-AG) described as Lot 16, “Howling Woods Subdivision” in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (2935 Howling Woods Lane; Aberdeen Twp.). Submitted by Troy & Rebecca Woehl. Troy & Rebecca Woehl were in attendance for this item. Following discussion on Findings of Facts (FoF), Meyers moved and Kurth seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Meyers moved and Kurth seconded to **approve a Variance for Setbacks** to allow a 15’-0” West Front Yard Setback rather than the 100’-0” Setback required, a 15’-0” South Rear Yard Setback rather than the 20’-0” required and a 3’-0” East Side Yard Setback rather than

the 20'-0" required by Brown County Ordinance 4.1006 to build a 24' x 24' water service building, all members voting aye, motion carried.

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

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TUESDAY, DECEMBER 17, 2024 - 7:00 P.M.

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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 "Elsing's Outlot 1" in the SW1/4 of Section 28-T121N-R65W of the 5th P.M., Brown County, South Dakota (37640 147th Street; New Hope Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Jarod & Sarah Bierman. No one was in attendance for this item. Following discussion, Weisenburger moved, Keatts 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 & 3, "North Warner Homestead Addition" in the NW1/4 of Section 35-T122N-R64W of the 5th P.M., Brown County, South Dakota (38615, 38623 & 38645 141st Street; Warner Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Thomas Johnson. No one was in attendance for this item. Following discussion, Gage moved, North seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners. All members voting aye, motion carried.

12) Rezone Petition for a property described as Lot 1, "L and J Flihs First Addition" in the NE1/4 of the NE1/4 of Section 22-T125N-R60W of the 5th P.M., Brown County, South Dakota (12105 410th Avenue; Claremont Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Lorin & Julie Flihs. No one was in attendance for this item. Following discussion, Kurth moved, Meyers seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners. All members voting aye, motion carried.

13) Preliminary & Final Plat for financial purposes on a property described as "B and E Kolb First Addition" in the S1/2 of the SW1/4 of Section 33-T124N-R64W of the 5th P.M., Brown County, South Dakota (12980 384th Avenue; Lincoln Twp.). Submitted by Brandon & Erin Kolb. No one was in attendance for this item. Following discussion, North moved, Keatts 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 financial purposes on a property described as “Gubin Second Addition” in the SE1/4 of Section 22-T121N-R62W of the 5th P.M., Brown County, South Dakota (14555 398th Avenue; East Rondell Twp.). Submitted by Darin Gubin for owner Ronald Gubin Jr. No one was in attendance for this item. Following discussion, Gage moved, Weisenburger seconded to **recommend approval of the Preliminary & Final Plat** 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 “L and J Flihs First Addition” in the NE1/4 of the NE1/4 of Section 22-T125N-R60W of the 5th P.M., Brown County, South Dakota (12105 410th Avenue; Claremont Twp.). Submitted by Lorin & Julie Flihs. No one was in attendance for this item. Following discussion, Kurth moved, Keatts 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 financial purposes on a property described as “Pharis Cattle Real Estate Addition” in the SE1/4 of Section 32-T125N-R61W of the 5th P.M., Brown County, South Dakota (12395 402nd Avenue; Claremont Twp.). Submitted by Kevin Pharis. No one was in attendance for this item. Following discussion, North moved, Gage seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

17) Preliminary & Final Plat for financial purposes on a property described as “Kukowski Addition to Prairiewood Village” in the NE1/4 of Section 33-T124N-R63W of the 5th P.M., Brown County, South Dakota (12913 Prairiewood Drive; Prairiewood Village). Submitted by Cole & Megan Kukowski. No one was in attendance for this item. Following discussion, Kurth moved, Meyers seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

18) Preliminary & Final Plat for conveyance purposes on a property described as “Beckler Family First Addition” in the N1/2 of Section 11-T123N-R63W of the 5th P.M., Brown County, South Dakota (39245 & 39265 131st Street; Bath Twp.). Submitted by Curt Beckler. No one was 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.

19) Preliminary & Final Plat for conveyance purposes on a property described as “Winburn First Addition, to Block 19 of Houghton” in the SE1/4 of Section 31-T127N-R61W of the 5th P.M., Brown County, South Dakota (406 Oak Street & 425 Ash Street; Lansing Twp.). Submitted by Boe Winburn. No one 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.

20) Other Business:

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

Submitted by: Planning/Zoning Director Scott Bader.