

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY JANUARY 21, 2025 - 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, Weisenburger moved and Gage seconded to approve the January 21, 2025, Planning/Zoning Commission Agenda as presented. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Keats moved and Kurth seconded to approve the December 17, 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. **Annual Election of Officers for 2025 Planning/Zoning Commission:**
 - 1) **Weisenburger nominated Stan Beckler as Chairman**, Gage seconded. All members voting aye, nomination carried.
 - 1) **Weisenburger nominated David North as Vice Chairman**, Meyers seconded. All members voting aye, nomination carried.
- VII. **New Business:** *Planning/Zoning Commission as Zoning Board of Adjustment (BOA)*
 - 1) **Conditional Use Petition (CUP)** in a Rural Urban District (RU) described as Lot 4, “Jark Replat of Block 10 to Stratford” in the SW1/4 of Section 4-T121N-R62W of the 5th P.M., Brown County, South Dakota (421 Nelson Avenue; Stratford, East Rondell Twp.). Submitted by David Jark. David Jark was in attendance for this item. Following discussion on Findings of Facts (FoF), Gage moved, and Kurth seconded to **approve the Finding of Facts (FoF) as presented**. Discussion continued whether to allow two “accessory structures” without a “principal structure” on this residential lot. David Jark was asked if he plans on having living space in these storage sheds. David Jark stated no. David Jark was asked if he plans on having water or sewer services brought into this lot and into these sheds. David Jark said no. When asked, David Jark also explained that these two sheds are for storage only in a Rural Urban District (RU), Also following discussion, Gage moved, and

Kurth seconded to **approve a Conditional Use Petition (CUP)** request to allow two storage sheds on this one lot for storage use only, all members voting aye, motion carried.

- 2) **Variance for Shelterbelt Setbacks** in an Agriculture Preservation District (AG-P) described as the S1/2 of the SW1/4 of Section 11-T122N-R61W of the 5th P.M., Brown County, South Dakota (Approx. 40446 138th Street; West Hanson Twp.). Submitted by Clinton & Audrey Jacobson. Clinton Jacobson, Evan Jacobson and Charles Dirks (West Hanson Township) 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 Shelterbelt Setbacks** to have a 125'-0" setback from the section line rather than the 150'-0" required for 300 trees in an Agriculture Preservation District (AG-P), all members voting aye, motion carried.
- 3) **Conditional Use Petition (CUP)** in a Mini-Agriculture District (M-AG) described as Lot 7, "Larkota Acres First Addition" in the N1/2 of the SW1/4 of Section 3-T121N-R64W of the 5th P.M., Brown County, South Dakota (38507 Larkota Drive; Warner Twp.). Submitted by Jack Hollinsworth for Larkota Acres LLC. Jack Hollinsworth (JDH Construction) and Lucas Hoover (Helms & Associates) 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 Conditional Use Petition (CUP)** for a new 24' x 28' water service building in a Mini-Agriculture District (M-AG), all members voting aye, motion carried.
- 4) **Variance to Building Setbacks** in a Mini-Agriculture District (M-AG) described as Lot 7, "Larkota Acres First Addition" in the N1/2 of the SW1/4 of Section 3-T121N-R64W of the 5th P.M., Brown County, South Dakota (38507 Larkota Drive; Warner Twp.). Submitted by Jack Hollinsworth for Larkota Acres LLC. Jack Hollinsworth (JDH Construction) and Lucas Hoover (Helms & Associates) were in attendance for this item. Following discussion on Findings of Facts (FoF), Gage moved and North seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, Gage moved and North seconded to **approve a Variance to Building Setbacks** to allow a 45'-0" West Front Yard Setback rather than the 100'-0" Setback required by Brown County Ordinance 4.1006 to build a 24' x 28' water service building with a stipulation that utility easements be created for both water and electricity, all members voting aye, motion carried.
- 5) **Conditional Use Petition (CUP)** in a Heavy Industrial District (H-I) described as Lot 2, "Wheat Growers West Subdivision" in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38435 133rd Street; Aberdeen Twp.). Submitted by A-1 Sanitation. There wasn't anyone 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 Conditional Use Petition (CUP)** to replace old metal roofing with new metal roofing in a Heavy Industrial District (H-I), all members voting aye, motion carried.
Water service and sewer services cannot be hooked up to this lot unless a house with a permanent foundation is built or an approved trailer house is permitted.

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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 properties described as Lot 1 & 2, "Johnston Subdivision" in the SE1/4 of Section 24-T123N-R62W of the 5th P.M., Brown County, South Dakota (39996 134th Street & 13385 400th Avenue; Henry Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Donald Johnston. No one was in attendance for this item. Following discussion, North moved, Keatts seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners. All members voting aye, motion carried.

III. **Other Business:**

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

Submitted by: Planning/Zoning Director Scott Bader.