

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY FEBRUARY 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 David North Vice-Chairman, James Meyers, County Commissioner Michael Gage who serves on this Board (*per SDCL 11-2-2*), Carrie Weisenburger, Paul Johnson, and Stan Beckler Chairman. Pat Keatts and Dale Kurth were absent.
- III. **Agenda:** After discussion, Gage moved and Weisenburger seconded to approve this February 20, 2024, Planning/Zoning Commission Agenda. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Gage moved and North seconded to approve the January 16, 2024, Planning/Zoning Commission Minutes, 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) items such as a Variance Petition (VP) or Conditional Use Petition (CUP) is still required to get their required PERMITS from the Zoning Office before starting their project if their request gets approved.
- VI. **New Business:** *Planning/Zoning Commission as Zoning Board of Adjustment (BOA)*
 - 1) **Variance to Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lots 1 & 2, "Tunby Addition" in the N1/2 of Section 14-T126N-R61W of the 5th P.M., Brown County, South Dakota (40437 & 40455 114th Street, Shelby Twp.) Submitted by Lars Tunby. No one was in attendance for this item. Following discussion, Meyers moved, and North seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, Meyers moved, and North seconded to **approve a Variance to Lot Size** to allow Lot 1 (20.0 acres) & Lot 2 (7.0 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 to Building Setbacks** in a Mini-Agriculture District (M-AG) described as "Claeys' Outlot A" in the SE1/4 of Section 20-T128N-R63W of the 5th P.M., Brown County, SD (38954 104th Street, Savo Twp.). Submitted by Matt & Lisa Gebhart. Matt & Lisa Gebhart 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 Building Setbacks** to have a 50'-0" Front South Yard Setback rather than the 100'-0" setback required by Brown County Ordinance to bring this pre-existing, non-compliant building into compliance as well as proposed 21' additions on both the east & west sides.

- 3) **Variance to Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lot 1, “Warner Dairy First Addition” in the E1/2 of the SW1/4 of Section 7-T121N-R63W of the 5th P.M., Brown County, South Dakota (38824 144th Street, Warner Twp.) Submitted by Silver Streak Dairies, LLC. No one was in attendance for this item. Following discussion, North moved, and Johnson seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, North moved, and Johnson seconded to **approve a Variance to Lot Size** to allow Lot 1 (20.83 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 Ordinance, all members voting aye, motion carried.

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

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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 Tabled until further notice, by Ross Aldentaler, Deputy States Attorney.
- II. **New Business:** *Brown county Planning/Zoning Commission as [Planning Commission](#)*
- 10) **Preliminary & Final Plat** for conveyance purposes on a property described as “Tunby Addition” in the N1/2 of Section 14-T126N-R61W of the 5th P.M., Brown County, South Dakota (40437 & 40455 114th Street, Shelby Twp.). Submitted by Lars Tunby. No one was in attendance for this item. Following discussion, Weisenburger moved, Johnson seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 11) **Preliminary & Final Plat** for conveyance purposes on a property described as “Warner Dairy First Addition” in the E1/2 of the SW1/4 of Section 7-T121N-R63W of the 5th P.M., Brown County, South Dakota (38824 144th Street, Warner Twp.) Submitted by Silverstreak Dairies, LLC. No one was in attendance for this item. Following discussion, Johnson moved, North 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, Weisenburger moved and Johnson seconded to adjourn the meeting, all members voting aye, motion carried.

Submitted by: Planning/Zoning Director Scott Bader.