

AGENDA

BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, MARCH 19, 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, and Stan Beckler-Chairman.
- III. **Approval of March 19, 2024, Agenda:** Motion: 1st _____ 2nd _____
- IV. **Approval of February 20, 2024, Minutes:** Motion: 1st _____ 2nd _____

ZONING BOARD OF ADJUSTMENT

- V. **Old Business:**
 - 1. **Sign-up sheet:** On the table by the door entrance, and you can clearly mark YES or NO if you want to speak to the Board on any Agenda Item.
 - 2. **Permits:** Anyone present that has submitted a Variance Request or Conditional Use Petition 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.
- VI. **New Business:** *Brown County Planning/Zoning Commission as Zoning Board of Adjustment (BOA).*
 - 1. **Conditional Use Petition (CUP)** in a Highway Commercial District (HC) described as Lot 1B, "Gossman First Addition" in the S1/2 of Section 15-T123N-R63W of the 5th P.M., Brown County, South Dakota (5759 E Hwy 12, Bath Twp.)
 - 2. **Conditional Use Petition (CUP)** in a Mini-Agriculture District (M-AG) described as Lot 1, "J & G Barringer First Subdivision" & Lot 1-2 in the NE1/4 of Section 15-T123N-R64W of the 5th P.M., Brown County, South Dakota (2035 & 2305 8th Avenue NW, Aberdeen Twp.)
- VII. **Other Business:**

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

AGENDA

BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, MARCH 19, 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 “T. Zeck Outlot A” in the SW1/4 of Section 25-T123N-R62W of the 5th P.M., Brown County, South Dakota (13451 400th Avenue, Henry Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for 15.44 ± acres.
11. **Preliminary & Final Plat** for conveyance purposes on a property described as “Droog’s Second Subdivision” in the S1/2 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (1401 385th Avenue South, Aberdeen Twp.)
12. **Preliminary & Final Plat** for conveyance purposes on a property described as “Munger-Mackner Addition” in the N1/2 of Section 9-T121N-R64W of the 5th P.M., Brown County, South Dakota (38465 & 38477 143rd Street, Warner Twp.)

III. Other Business: *Executive Session if requested.*

IV. Motion to Adjourn: 1st _____ 2nd _____

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

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. **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.

STAFF REPORT

Meeting: March 19, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

CONDITIONAL USE PETITION (CUP) IN HC
Highway Commercial District (HC)

ITEM #01

GENERAL INFORMATION:

OWNER:	Stacy Gossman
PETITIONER:	Stacy Gossman
REQUEST:	CONDITIONAL USE PETITION (CUP) IN A HIGHWAY COMMERCIAL DISTRICT (HC)
LEGAL DESCRIPTION:	Lot 1B, "Gossman First Addition" in the S1/2 of Section 15-T123N-R63W of the 5 th P.M., Brown County, SD.
ADDRESS:	5759 E Hwy 12
CITY/TOWNSHIP:	Bath Twp.
EXISTING ZONING	Highway Commercial District (HC)
SURROUNDING ZONING:	
North:	Mini Agriculture District (M-AG)
South:	Highway Commercial District (HC)
West:	Mini Agriculture District (M-AG)
East:	Highway Commercial District (HC)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Chris Anderson

GENERAL COMMENT: The petitioner is requesting a Conditional Use Petition (CUP) to operate four (4) casino businesses, plus a restaurant and food catering business (Big Fellas) at one (1) location. The owner has stated that there is no longer a vehicle sales business at this location.

GENERAL REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: February 1, 2024
RECEIPT # 821884
TOWNSHIP: Bath Twp


FEES: \$225.00
PAID: YES/NO CHK/CASH
DATE: February 22, 2024

OWNERS SIGNATURE: Stacy Gossman
OWNERS ADDRESS: 5759 Hwy 12 E
OWNERS CITY, STATE, ZIP: Aberdeen SD 57401
OWNERS PHONE: 605-380-2203

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

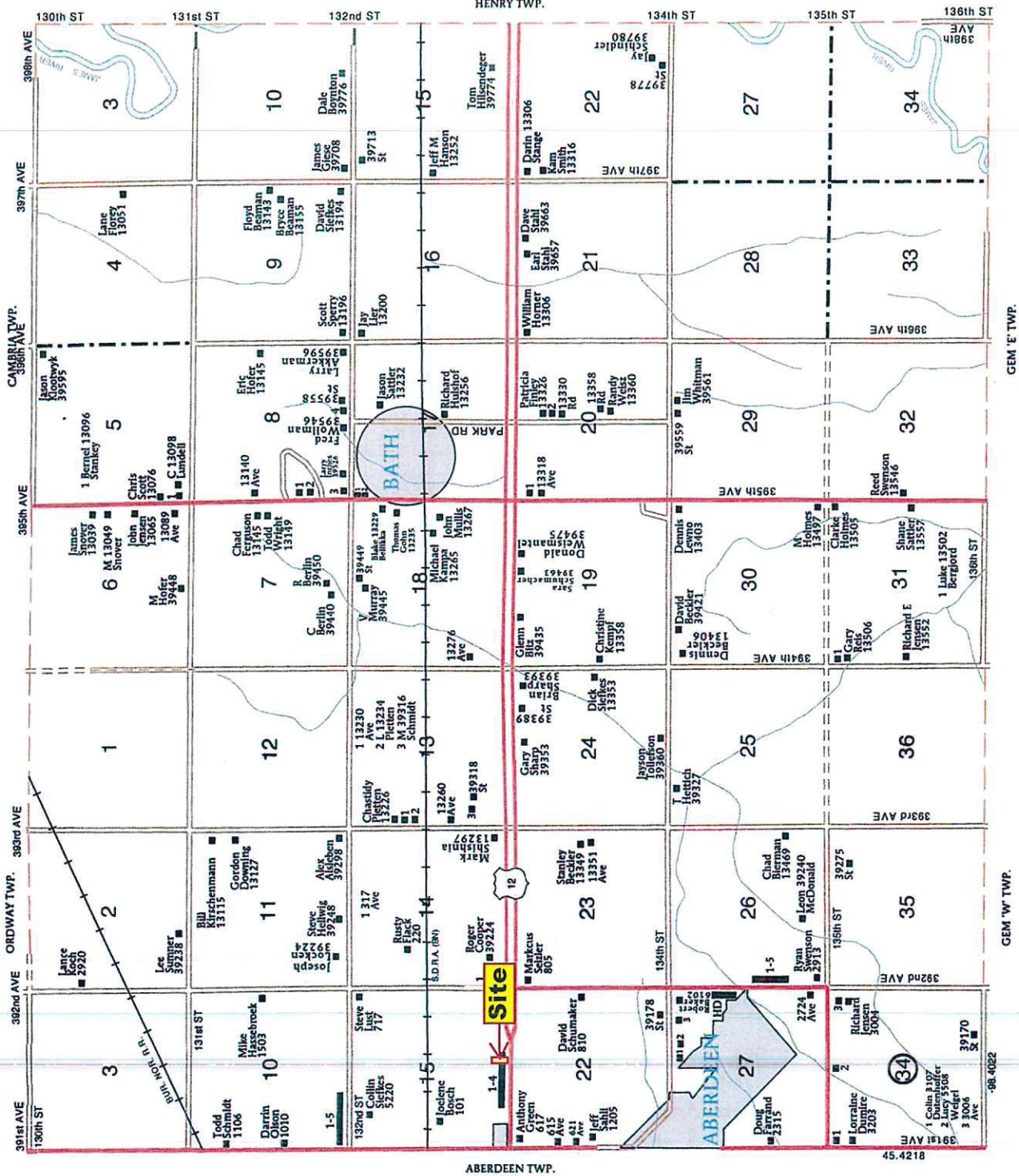
REQUEST: Petitioner is requesting a Conditional Use Petition in a Highway Commercial District (HC) to operate four (4) businesses on one parcel & building.

LEGAL DESCRIPTION: Lot 1B, "Gossman First Addition" in the S1/2 of Section 15-T123N-R63W of the 5th P.M., Brown County, South Dakota
(5759 Hwy 12 E, Bath Twp)

SIGNATURE: 
2-22-24

Planning Commission Action: <u>Approved / Denied</u>	

By: _____	Date: _____
HEARING DATE: <u>March 19, 2024</u>	TIME: <u>7:00 pm</u>



- BATH TOWNSHIP**
SECTION 8
 1 Haugen, James 13164
 2 Kroll, John 13174
 3 Monson, Steve 39510
 4 Bruckner, David 39554
SECTION 10W
 1 Bornemann, Kyle 5005
 2 Dewey, Justin 5025
 3 Gross, Del 5115
 4 Mathem, A 5219
SECTION 15W
 1 5405
 2 Eilers, Todd 5455
 3 Ellingson, Malynn 5485
 4 Gossman, S 5755
SECTION 17
 1 Buechler, Jerry 13228
 2 Wolf, Justyn 13230
SECTION 20
 1 Westphal, Henry 13316
 2 Ronroch, Kevin 13328
SECTION 28
 1 Bellikka, Daryl 2111
 2 Kohhaas, Paul 2135
 3 Grisee, Doug 2215
 4 Bjorklund, Richard 2317
 5 Paulson, David 2519
SECTION 27N
 1 Catton, Caleb 5256
 2 Johnson, K 5950

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 Courthouse Annex, basement Community Meeting Room on March 19, 2024, at 7:00 P.M.

Petitioner: Stacy Gossman

Legal description of property: Lot 1B, "Gossman First Addition" in the S1/2 of Section 15-T123N-R63W of the 5th P.M., Brown County, South Dakota (5759 Hwy 12 East, Bath Twp.).

Reason: A Conditional Use Petition (CUP) to operate four businesses in one building.

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

Dated this 6th day of March 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 _____.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit Request to operate 4 businesses in one building
Applicant:	Name Stacy Gossman • Address 5759 E Hwy 12, Aberdeen, SD
Landowner:	• Same
Legal Description:	Lot 1B, "Gossman First Addition" in the S1/2 of Section 15-T123N-R63W of the 5th P.M., Brown County, South Dakota
Location:	5759 E Hwy 12, Bath Twp.
Size:	
Physical Description:	
Tax ID:	
Current Zoning:	Highway Commercial District (HC)
Existing Land Use:	Commercial - Bar and Restaurant
Surrounding Zoning:	• Mini Agriculture District (M-AG) and Highway Commercial District (HC)
Utilities:	WEB water
Ordinance:	4.14
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: Highway Commercial District (HC)

Special Exception/Conditional use permitted? YES No

Title 4.1402

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;

This property has sufficient ingress and egress for automotive traffic, 5' wide sidewalk with lighting, as well as multiple entrance/exits.

(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;

Off-street parking & loading is required for this property and should not create excess noise, glare or other effects on adjoining properties.

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

This business supplies its own refuse services

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

This business will use WEB water and its current sanitary system

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

This business location does not have a lot of screening and buffering

(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;

Exterior lighting will be for safety purposes and should not create a hazard to traffic.

(g) Required yards and other open spaces;

This property has required yard and open spaces.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district

This property is compatible with the zoning of this area.

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 property should not create any excessive fire hazard.

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

There should not be objectionable noise related to this business.

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

There should not be any vibration for this business

(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.

There is not any air pollution for this business.

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

There should not be malodorous gas or matter from this business.

(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 direct or reflected glare to the highway or other properties.

(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 have substantially increased traffic.

(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.

Business will not create a burden on sewer and water services.

(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 should 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.

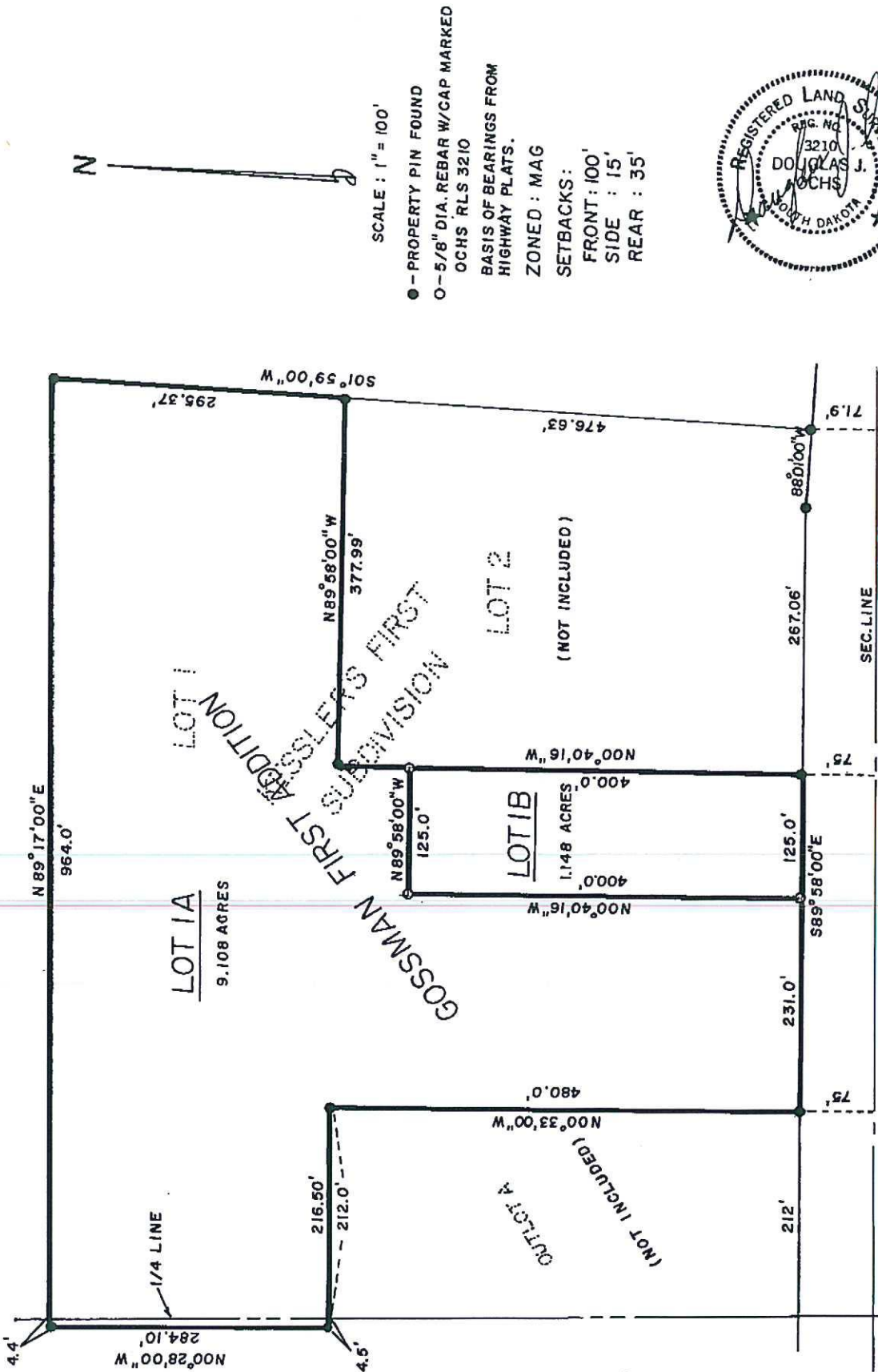
This business should not affect the general welfare of the community.

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

GOSSMAN FIRST ADDITION IN THE S1/2 OF SEC. 15, T. 123 N.,
R. 63 W. OF THE 5TH P. M., BROWN COUNTY, SOUTH DAKOTA
(A REPLAT OF LOT 1, KESSLER'S FIRST SUBDIVISION)



SCALE : 1" = 100'

- - PROPERTY PIN FOUND
- - 5/8" DIA. REBAR W/CAP MARKED
- OCHS RLS 3210
- BASIS OF BEARINGS FROM HIGHWAY PLATS.
- ZONED : MAG
- SETBACKS :
FRONT : 100'
SIDE : 15'
REAR : 35'



CERTIFICATES FOR "GOSSMAN FIRST ADDITION IN THE S½ OF SEC. 15, T. 123 N., R. 63 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA."

OWNER'S CERTIFICATE

I, Stacy J. Gossman, do hereby certify that I am the owner of Lot 1 of Kessler's First Subdivision in the S½ of Sec. 15, T. 123 N., R. 63 W. of the 5th P.M., Brown County, South Dakota, and that I have caused the same to be surveyed and subdivided as shown on the accompanying plat which shall hereafter be known and described as "Gossman First Addition in the S½ of Sec. 15, T. 123 N., R. 63 W. of the 5th P.M., Brown County, South Dakota," containing 10.256 acres, more or less. I do further certify that the development of the land included in this plat shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

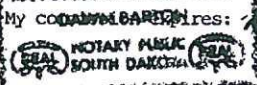
Signed this 24th day of April, 2002.

Stacy J. Gossman
OWNER, STACY J. GOSSMAN

STATE OF SOUTH DAKOTA))
COUNTY OF BROWN) ss

On this 24 day of April, 2002, before me, Dawn Barton the undersigned officer, personally appeared Stacy J. Gossman, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and who acknowledged that he executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my official hand and seal.

My commission expires: Nov 19, 2002



Dawn Barton
Notary Public, Brown County, South Dakota

SURVEYOR'S CERTIFICATE

I, Douglas J. Ochs, Registered Land Surveyor, do hereby certify that, at the request of the owner, I have surveyed and platted "Gossman First Addition in the S½ of Sec. 15, T. 123 N., R. 63 W. of the 5th P.M., Brown County, South Dakota," and that I have set iron monuments as denoted hereon and that said survey and plat are true and correct to the best of my knowledge and belief.

Signed this 22nd day of April, 2002.

Douglas J. Ochs
Registered Land Surveyor #3210

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 28th day of May, 2002.

Karl Albert
Finance Officer, Aberdeen, South Dakota

"Be it resolved by the Board of Commissioners of Aberdeen, South Dakota that the plat showing "Gossman First Addition in the S½ of Sec. 15, T. 123 N., R. 63 W. 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."

CITY 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 21st day of May, 2002.

Karl Albert
Finance Officer, Aberdeen, South Dakota

"Be it resolved by the City Plan Commission of Aberdeen, South Dakota that the plat showing "Gossman First Addition in the S½ of Sec. 15, T. 123 N., R. 63 W. 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 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 4 day of June, 2002.

Melanie Taylor
County Auditor, Brown County, South Dakota

"Be it resolved by the Board of Commissioners of Brown County, South Dakota that the plat showing "Gossman First Addition in the S½ of Sec. 15, T. 123 N., R. 63 W. 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."

COUNTY PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the County Plan Commission of Brown County, South Dakota at a meeting held on the 21 day of May, 2002.

Credney Jacobson
Secretary, Brown County Plan Commission

"Be it resolved by the County Plan Commission of Brown County, South Dakota that the plat showing "Gossman First Addition in the S½ of Sec. 15, T. 123 N., R. 63 W. 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 thereof."

TREASURER'S CERTIFICATE

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

Signed this 24th day of Aberdeen, 2002.

Dorene Bonhard
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

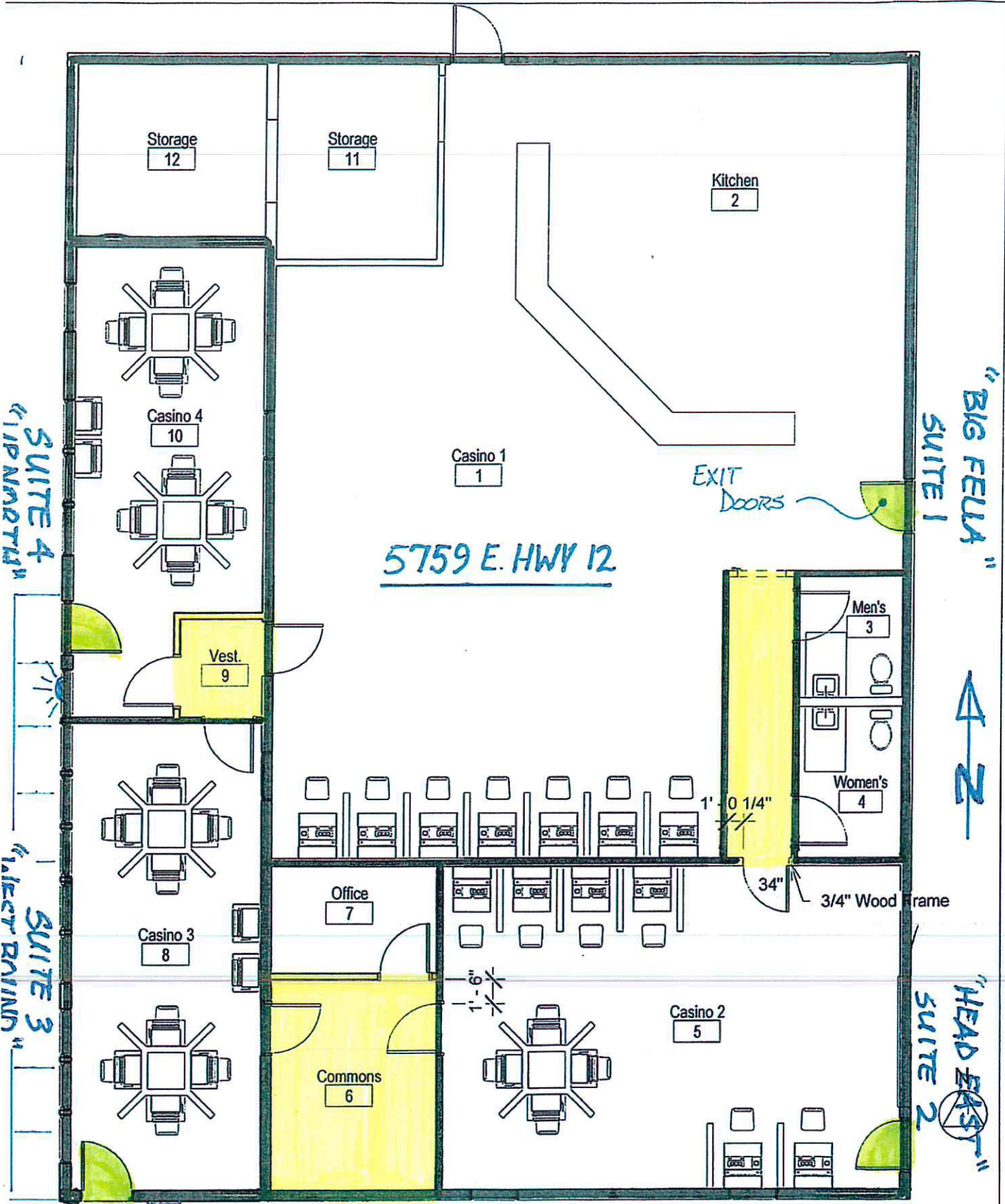
I hereby certify that I have received a copy of this plat this 24 day of April, 2002.

Dawn Barton
Director of Equalization, Brown Co., SD

REGISTER OF DEEDS' CERTIFICATE

Filed for record this 25 day of June, 2002, at 12:01 o'clock P.M., and duly recorded in Book of Plats NO. 1727 H in envelope _____ therein.

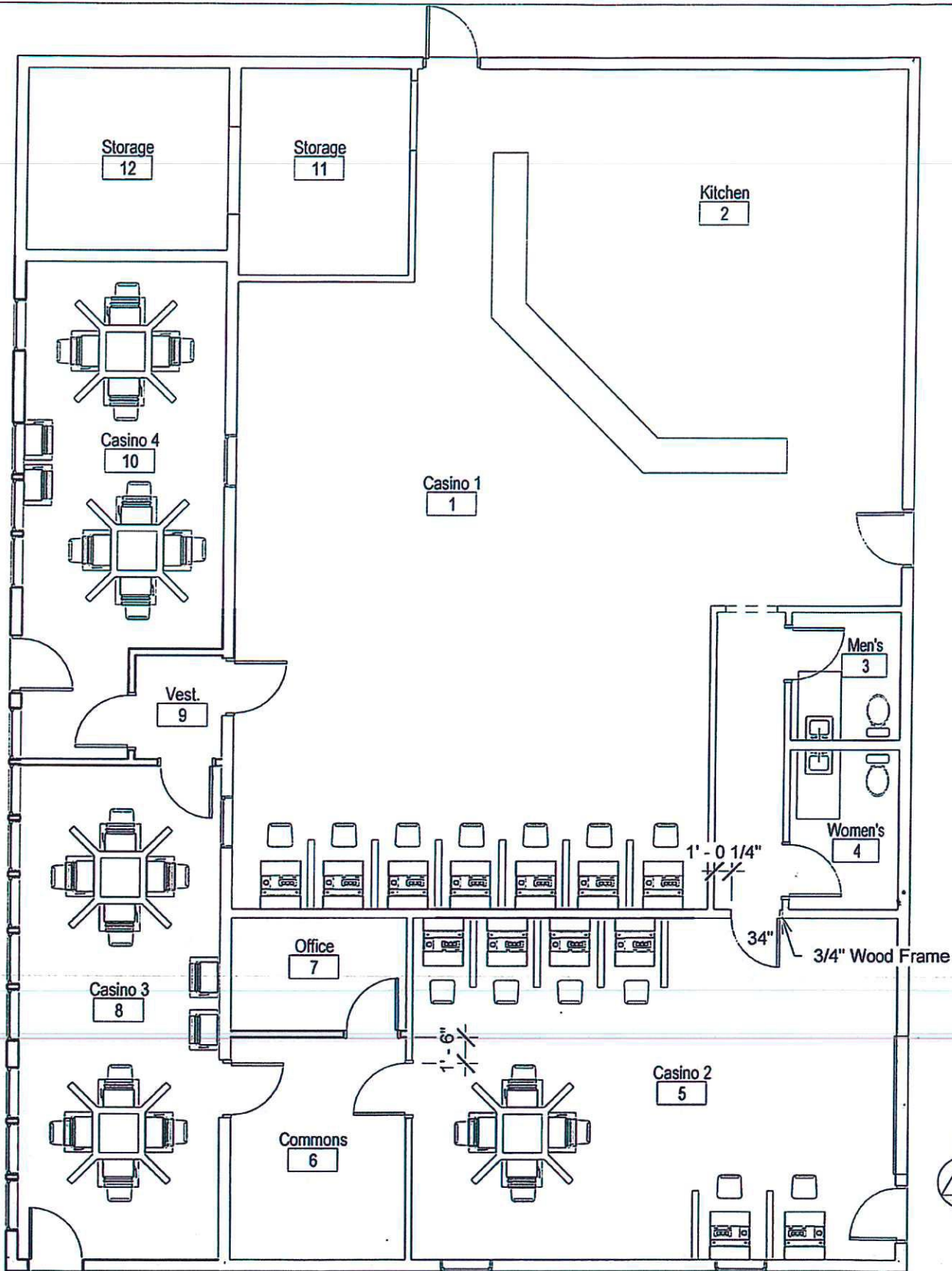
Carol Storrman
Register of Deeds, Brown County, South Dakota



1 Level 1
1/8" = 1'-0"



REVISED DATE	Plans for Big Fella's Casino Gaming Layout Aberdeen, South Dakota	Casino Layout	DRAWN BY <u>DL</u>	A101
GEN. NO.	HKG Architects, Inc.	Aberdeen, S.D.	TRACED BY _____	OF-1
			CHECKED BY <u>DL</u>	PROJECT NO.
			DATE 1/24/24	2023-0018



1 Level 1
1/8" = 1'-0"



REVISED DATE	Plans for Big Fella's Casino Gaming Layout Aberdeen, South Dakota	Casino Layout	DRAWN BY <u>DL</u>	A101
CERT. NO.			TRACED BY _____	
	HKG Architects, Inc.	Aberdeen, S.D.	DATE 1/24/24	PROJECT NO. 2023-0018

Bader, Scott

From: Heupel, Lynn
Sent: Wednesday, January 3, 2024 12:50 PM
To: Bader, Scott
Subject: RE: Stacy Gossman Licenses

Then he will have 4 suites at the Big Fella's location once that is complete. Which he has 3 Malt Beverage and 1 Liquor License for those.

Sincerely,

Lynn Heupel
Brown County Auditor

From: Bader, Scott <Scott.Bader@browncounty.sd.gov>
Sent: Wednesday, January 3, 2024 12:41 PM
To: Heupel, Lynn <Lynn.Heupel@browncounty.sd.gov>
Subject: RE: Stacy Gossman Licenses

I don't know where these places are. Never heard of them.
Do they have addresses tied to them? Do you have a map for all of the Suite #'s.

CSB

From: Heupel, Lynn <Lynn.Heupel@browncounty.sd.gov>
Sent: Wednesday, January 3, 2024 10:31 AM
To: Bader, Scott <Scott.Bader@browncounty.sd.gov>
Subject: Stacy Gossman Licenses

Hi, Scott

Here is a list of Stacy's Licenses:

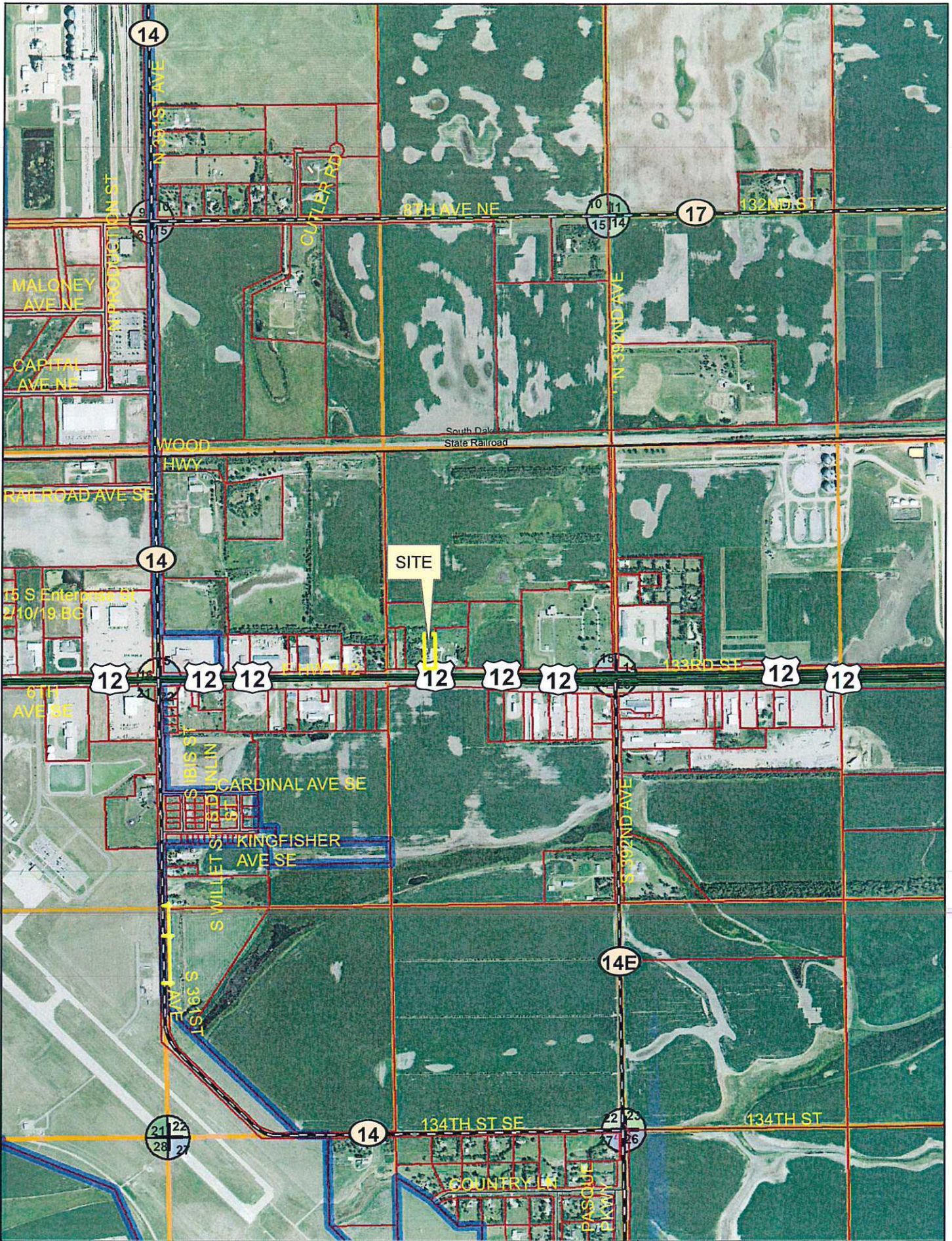
Liquor Licenses:
Nacho Business – Ste. G
Flying Pig – Ste.

Malt Beverage Licenses:
Ollie's – Ste. B
Annie's – Ste. C
BigZ – Ste. D
Bergyz – Ste. E
Caponez – Ste. F
Tinkaz – Ste. H

5759 E. Hwy 12
Up North - Ste. #4
West Bound - Ste. #3
Head East - Ste. #2
Big Fella - Ste. #1

Sincerely,

Lynn Heupel
Brown County Auditor
25 Market St., Ste. 1
Aberdeen, SD 57401
Ph: (605) 626-7110 x 100



SITE

14

10 11
15 14

17

14

12

12

12

12

12

12

12

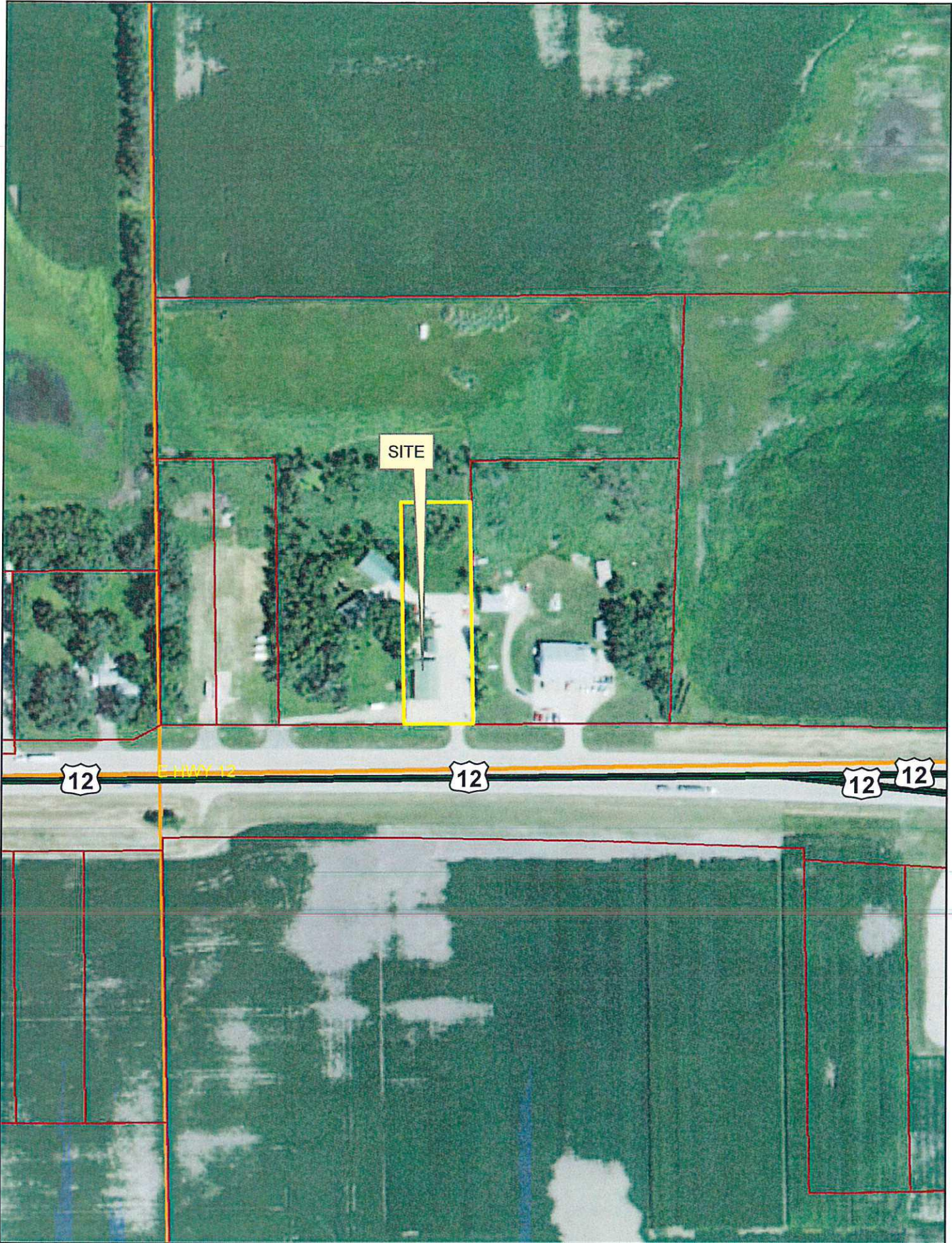
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14E

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14

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27 26



SITE

12

HWY 12

12

12

12

Stacy Gossman
PO Box 939
Aberdeen SD 57402-0939

Bath Township
C/O David Bruckner
39554 132nd Street
Bath SD 57427

Steven & Cassandra Monson
PO Box 533
Bath SD 57427-0533

Jon & Dana Locken RE LP
13755 396th Avenue
Bath SD 57427

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
Gossman Conditional Use Request
Published March 6, 2024 for \$11.34
Invoice No. 23069

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

14th Day of March 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

Classifieds and Card of Thanks

The following rates are for Classifieds published in both the Groton Daily Independent and the Groton Independent. Cut rate in half if you just want it in the GDI or just the weekly.

- 1 Week: \$9 for first 30 words, 20¢/word thereafter
 - 2 Wks: \$17 for first 30 words, 38¢/word thereafter
 - 3 Wks: \$24 for first 30 words, 54¢/word thereafter
 - 4th consecutive week is free
- 605/397-NEWS (6397)**
PO Box 34, Groton SD 57445

AUCTIONS

INTERSTATE AUCTION CENTER. March 16, 10:00am. 3 miles east of SF, exit 402, Brandon, SD. Spring consignment auction. Clean farm and ranch equipment. Full listing: auctionzip.com, 605-331-4550

EMPLOYMENT

SEEKING MS/HS INSTRUMENTAL MUSIC Instructor and Culinary Arts/Family and Consumer Science Teacher for the Moberidge-Pollock School District 62-6 for the 2024-2025 school year. Contact Dr. Tim Frederick at 605-845-9204 for more information. Certified Application and Resume can be mailed to: Moberidge-Pollock School District 62-6; Attn: Dr. Tim Frederick; 1107 1st Avenue East; Moberidge SD 57601. Open until filled. EOE.

DITCH RIDER / MAINTENANCE for Angostura Irrigation District. Located in Oral, SD. Position requires field work and irrigation canal and lateral management and maintenance. Applicant must possess or be able to obtain valid South Dakota driver's license. Resumes should be sent to: Angostura Irrigation District 317 First Street, Oral SD 57766. This position will remain open until filled. Call 605-424-2331 with any questions.

MEAT MANAGER – FULL-TIME POSITION. We offer competitive wages, 401K, insurance, paid vacation. Send resumes to Super Foods, 304 East Highway 20, O'Neill, NE 68763 or e-mail to Oneillsf9101@gmail.com.

SPORTS, GENERAL NEWS REPORTER/PHOTOGRAPHER. Two part-time positions or one full-time position with paid vacation, some paid holidays. Resume to officegcr@itcmilbank.com

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MISCELLANEOUS

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NOTICES

Weekly SUDOKU — ADVERTISE IN NEWS-PAPERS statewide for only \$150. Put the South Dakota Statewide Classifieds Network to work for you today! (25 words for \$150. Each additional word \$5.) Statewide Full Digital Ad is \$300 for 1 week. Call the Groton Independent at 605-397-7460.

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



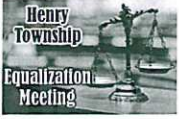
NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Courthouse Annex, basement Community Meeting Room on March 19, 2024, at 7:00 P.M.
Petitioner: Stacy Gossman
Legal description of property: Lot 18, "Gossman First Addition" in the S1/2 of Section 15-T123N-R63W of the 5th P.M., Brown County, South Dakota (5759 Hwy 12 East, Bath Twp.).
Reason: A Conditional Use Petition (CUP) to operate four businesses in one building.
The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 6th day of March 2024.
Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published March 6, 2023, at the total approximate cost of \$11.34 and may be viewed free of charge at www.sdpublicnotices.com. 23069



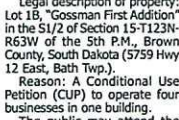
NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the basement of the Courthouse Annex, Community Meeting Room on March 19, 2024, at 7:00 P.M.
Petitioner: Jenny Nelson for Owner West Lake LLC
Legal description of property: Lot 1, "J & G Barringer First Sub-division" & Lot 1-2 in the NE1/4 of Section 15-T123N-R64W of the 5th P.M., Brown County, South Dakota (2035 & 2305 8th Avenue NW; Aberdeen Twp.).
Reason: A Conditional Use Petition (CUP) for (2) "off-premise" 8' x 8' signs.
The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 6th day of March 2024.
Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published March 6, 2023, at the total approximate cost of \$12.26 and may be viewed free of charge at www.sdpublicnotices.com. 23070



PUBLIC NOTICE TO GROTON PROPERTY OWNERS
Notice is hereby given that City Council, sitting as the Local Board of Equalization, will meet at City Hall, 120 N Main Street, Groton, SD, for the purpose of reviewing, correcting and equalizing the assessment of property on March 19, 2024, at 8:00 pm, following the regular council meeting.
Appeals must be submitted in writing with supporting documentation by 5:00pm Thursday, March 14th at City Hall or mail appeals to the Finance Officer, PO Box 587 Groton, South Dakota. Those appealing will be notified of their scheduled time to meet with the Board. Contact City Hall for more information at 605-397-8422.
Douglas J. Heinrich, Groton City Finance Officer
Published March 6 and 13, 2024, at the total approximate cost of \$16.56 and may be viewed free of charge at www.sdpublicnotices.com. 23065



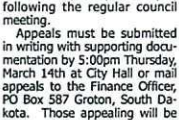
Henry Township Equalization Meeting Notice:
Notice is hereby given that the governing body section will serve as review board of Henry Township, Brown County. They will be meeting at 7 pm, on Monday, March 18, 2023, at Doug Abeln Seed Company Office for the purpose of reviewing and correcting of the assessment set of the tax districts for the year 2023. All persons considering disputing their assessments are requested to notify the clerk of the board in writing no later than March 15, 2024. Hearings are by appointment only.
/s/ Darlene Sass
Henry Township Clerk
13120 403rd Ave.
Groton, SD 57445
Published March 6 and March 15, 2023, at the total approximate cost of \$14.90 and may be viewed free of charge at www.sdpublicnotices.com. 23067



Bates Township Equalization Meeting Notice:
The Bates Township Board of Equalization will meet at the Clerk's home on Tuesday, March 19th, 2024 at 6:30 pm.
All persons disputing their assessments are requested to notify the clerk prior to the meeting.
Betty Geist
Bates Township Clerk
14523 409th Ave
Conde, SD 57434
Published March 6 and March 15, 2023, at the total approximate cost of \$10.49 and may be viewed free of charge at www.sdpublicnotices.com. 23068



Putney Township Equalization Meeting Notice:
The Putney Township Board of Equalization will meet at Mark Thompson's Shop on Monday, March 18, 2024 at 5:00 pm.
All persons disputing their assessments are requested to notify the clerk prior to the meeting.
Mark Thompson
Putney Township Clerk
Published March 6 and March 15, 2023, at the total approximate cost of \$9.96 and may be viewed free of charge at www.sdpublicnotices.com. 23066



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 March 19, 2024, at 7:00 P.M.
Petitioner: Trevor Zeck
Description of property: "T. Zeck Outlot A" in the SW1/4 of Section 25-T123N-R62W of the 5th P.M., Brown County, South Dakota (13451 400th Avenue, Henry Twp.).
Reason: Rezone parcel from Agriculture Preservation District 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 6th day of March 2024.
Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published March 6, 2023, at the total approximate cost of \$14.10 and may be viewed free of charge at www.sdpublicnotices.com. 23071

Conde National League

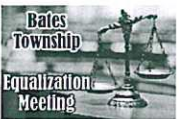
Team Standings:
Braves 28, Tigers 28, Cubs 21 1/2, Pirates 18 1/2, Giants 18, Mets 18
Men's High Games: Ryan Bethke 248, Russ Bethke 194, Austin Schuelke 182
Men's High Series: Ryan Bethke 595, Austin Schuelke 521, Russ Bethke 483
Women's High Games: Suzi Easthouse 211, Joyce Walter 174, Sam Bahr 156
Women's High Series: Suzi Easthouse 583, Joyce Walter 475, Sam Bahr 422

Groton Prairie Mixed Bowling League

Team Standings:
Chipmunks – 3, Cheetahs – 3, Shihztuz – 2, Coyotes – 2, Jack-elpes – 1, Foxes – 1
Men's High Games: Ron Belden – 230, Lance Frohling – 202, Brad Waage – 195

Women's High Games: Darci Spanier – 173, Lori Giedt – 164, Vicki Walter – 162
Men's High Series: Brad Waage – 559, Lance Frohling – 534, Mike Siegler & Ron Belden – 503
Women's High Series: Darci Spanier – 458, Lori Giedt – 424, Vicki Walter – 415
Fun Game – Most 8 counts with no fill – Chipmunks with 17!

Get fit at the Fitness Center! Downtown Groton 605-397-7460



Bates Township Equalization Meeting Notice:
The Bates Township Board of Equalization will meet at the Clerk's home on Tuesday, March 19th, 2024 at 6:30 pm.
All persons disputing their assessments are requested to notify the clerk prior to the meeting.
Betty Geist
Bates Township Clerk
14523 409th Ave
Conde, SD 57434
Published March 6 and March 15, 2023, at the total approximate cost of \$10.49 and may be viewed free of charge at www.sdpublicnotices.com. 23068



Putney Township Equalization Meeting Notice:
The Putney Township Board of Equalization will meet at Mark Thompson's Shop on Monday, March 18, 2024 at 5:00 pm.
All persons disputing their assessments are requested to notify the clerk prior to the meeting.
Mark Thompson
Putney Township Clerk
Published March 6 and March 15, 2023, at the total approximate cost of \$9.96 and may be viewed free of charge at www.sdpublicnotices.com. 23066

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Did you spot the 4-leaf clover?

Four-leaf clovers are said to bring good.

LUCK

STAFF REPORT

Meeting: March 19, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

CONDITIONAL USE PETITION (CUP) IN M-AG

ITEM #02

(Mini-Agriculture District (M-AG))

GENERAL INFORMATION:

OWNER: West Lake LLC

PETITIONER: Jenny Nelson

REQUEST: **CONDITIONAL USE PETITION (CUP) IN A MINI-AGRICULTURE DISTRICT (M-AG)**

LEGAL DESCRIPTION: Lot 1, "J & G Barringer First Subdivision" & Lot 1-2 in the NE1/4 of Section 15-T123N-R64W of the 5th P.M., Brown County, South Dakota

ADDRESS: 2035 & 2305 8th Avenue NW

CITY/TOWNSHIP: Aberdeen Twp

EXISTING ZONING: Mini-Agriculture District (M-AG)

SURROUNDING ZONING:

North: Non-County (NC)

South: Non-County (NC)

West: Mini-Agriculture District (M-AG)

East: Non-County (NC)

PUBLIC UTILITIES: Web Water

REPORTED BY: Ron Keller

GENERAL COMMENT: The petitioner is requesting a Conditional Use Petition for (2) "off-site" 8' x 8' signs in a Mini-Agriculture District (M-AG).

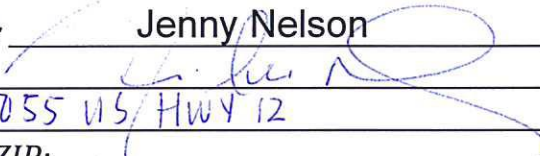
GENERAL REVIEW: Staff has reviewed this request. The request is for (2) signs to advertise a new residential development showing lots for sale and future commercial and residential development.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR CONDITIONAL USE PETITION

DATE: February 26, 2024 FEE: \$225.00
RECEIPT # 821887 PAID: YES/NO CHK/CASH
TOWNSHIP: Warner Twp DATE: 2/29/2024

OWNERS NAME (print): West Lake LLC
OWNERS SIGNATURE: _____
OWNERS ADDRESS: 5055 E Hwy 12
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: _____
OWNERS EMAIL: _____

AGENTS NAME (print): Jenny Nelson
AGENTS SIGNATURE: 
AGENTS ADDRESS: 5055 US HWY 12
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: 763-516-1560
AGENTS EMAIL: jnelson@sylltebrog.com

REQUEST: Conditional Use to place (2) "off-site" 8' x 8' signs adjacent to
City of Aberdeen jurisdiction.

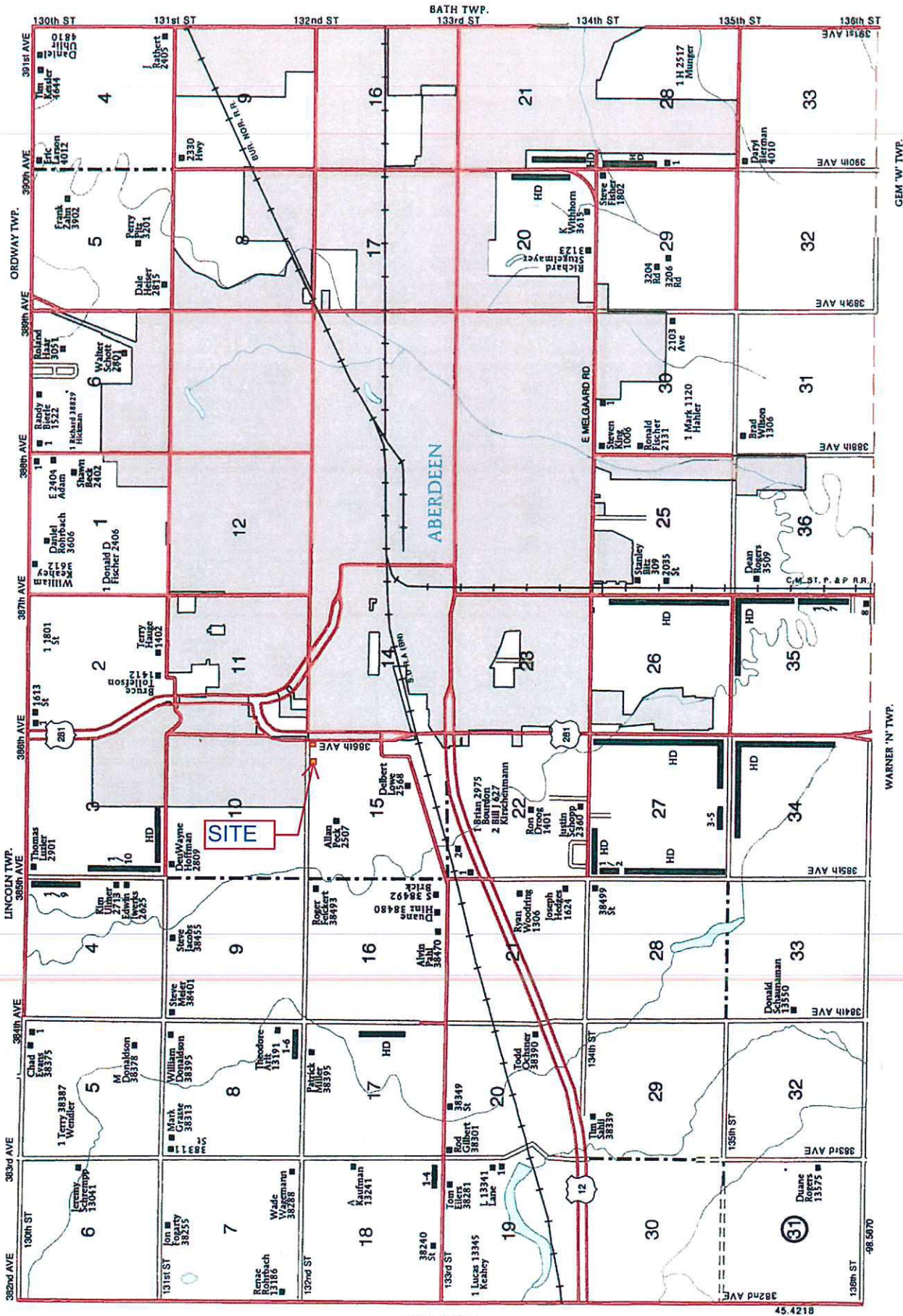
LEGAL DESCRIPTION: Lot 1, "J & G Barringer First Subdivision" & Lot 1-2
in the NE1/4 of Section 15-T123N-R64W of the 5th P.M., Brown
County, South Dakota (2035 & 2305 8th Avenue NW; Aberdeen Twp.)

Planning Commission Action: *Approved / Denied* _____

By: _____ Date: _____

HEARING DATE: March 19, 2024 TIME: 7:00 pm

(Residence - Owners or Renters)



SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

© Farm & Home Publishers, Ltd.

MERCER 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 of the Courthouse Annex, Community Meeting Room on March 19, 2024, at 7:00 P.M.

Petitioner: Jenny Nelson for Owner West Lake LLC

Legal description of property: Lot 1, "J & G Barringer First Subdivision" & Lot 1-2 in the NE1/4 of Section 15-T123N-R64W of the 5th P.M., Brown County, South Dakota (2035 & 2305 8th Avenue NW; Aberdeen Twp.).

Reason: A Conditional Use Petition (CUP) for (2) "off-premise" 8' x 8' signs.

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

Dated this 7th day of March 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 _____.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit • (Short Description) Off-Site Signs
Applicant:	Name Jenny Nelson for Owner West Lake LLC • Address
Landowner:	• Same West Lake LLC
Legal Description:	Lot 1, "J & G Barringer First Subdivision" & Lot 1-2 in the NE1/4 of Sect. 15-T123N-R64W of the 5th P.M., Brown County, South Dakota
Location:	2035 & 2305 8th Avenue NW, Aberdeen Twp.
Size:	1.50 acres / 5.01 acres
Physical Description:	
Tax ID:	
Current Zoning:	Mini-Agriculture District (M-AG)
Existing Land Use:	Mini-Agriculture
Surrounding Zoning:	•Mini-Agriculture District (M-AG) / Non-County
Utilities:	WEB Water
Ordinance:	
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:

Mini-Agriculture District (M-AG)

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;

Conditional Use requires no ingress/egress at this time.

(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;

Conditional Use requires no parking at this time.

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

Conditional Use will not generate any refuse.

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

Conditional Use will not require utilities.

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

Conditional Use has no screening on 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;

Conditional Use is for (2) 8' x 8' signs.

(g) Required yards and other open spaces;

Conditional Use meets yard and space requirements.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h)General compatibility with adjacent property in the district
Conditional Use is compatible with other properties in the district.
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.
Conditional Use would have no fire risk.
(b)Noise. The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
Conditional Use would create no noise.
(c) Vibration. The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.
Conditional Use will not create vibrations.
(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.
Conditional Use will not generate air pollution.
(e)Odors. The use shall not involve any malodorous gas or matter, which is discernible to any adjoining lot or property.
Conditional Use will not not generate 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.

Conditional Use 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

Conditional Use has a slight possibility to 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.

Conditional Use would not increase the burden on sewer or water.

(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.

The character of the neighborhood will not be altered significantly.

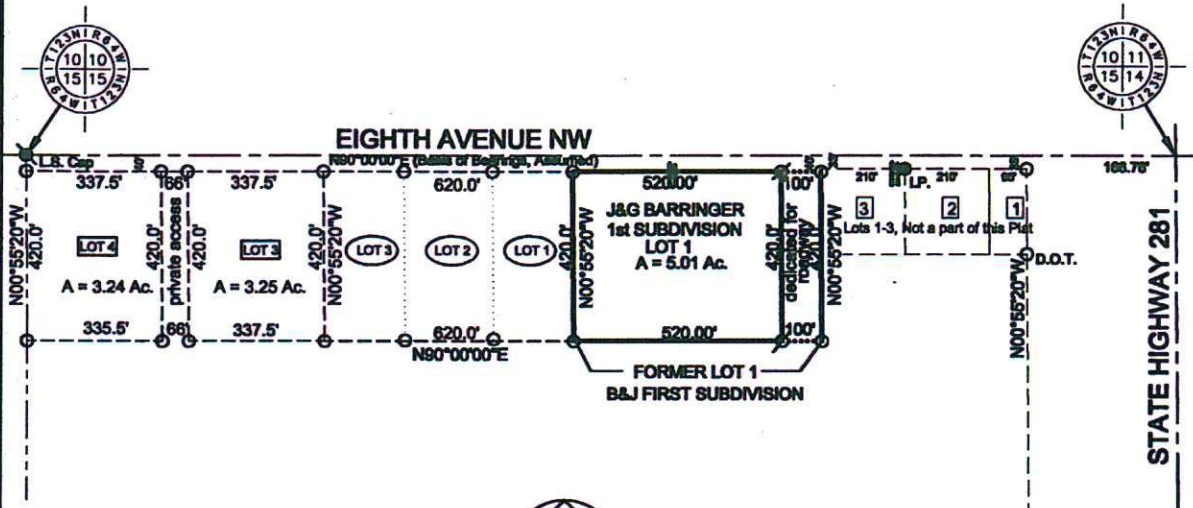
(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

Conditional Use should not adversely affect the general 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.

**J & G BARRINGER FIRST SUBDIVISION IN
NE1/4 SECTION 15-T123N-R64W of 5th P.M.
BROWN COUNTY, SOUTH DAKOTA**



LEGEND

- Monuments Found:
 - N1/4 Corner Monument (LS Cap)
 - Iron Pipe from original survey
 - D.O.T. Right-of-Way marker-cap missing
 - L.S. Cap SD1641
- Monuments Set:
 - ⊗ 5/8" rebar w/cap SD1641
- Previously Approved Access Approaches
(See B & J First Subdivision Plat for signatures)
- LOT 4 Lots in B&J First Subdivision
- LOT 2 Lots in Huffman's Subdivision of
Lot 2 in B & J First Subdivision in
NE1/4 Section 15-T123N-R64W

HIGHWAY AUTHORITY APPROVAL

The proposed location for the approach access to Eighth Avenue NW for J & G Barringer Lot 1 as shown on the plat is hereby approved.

For the Township of Aberdeen, Brown County, South Dakota:

Signed by: *[Signature]* Date: 6-24-16

Title: Supervisor



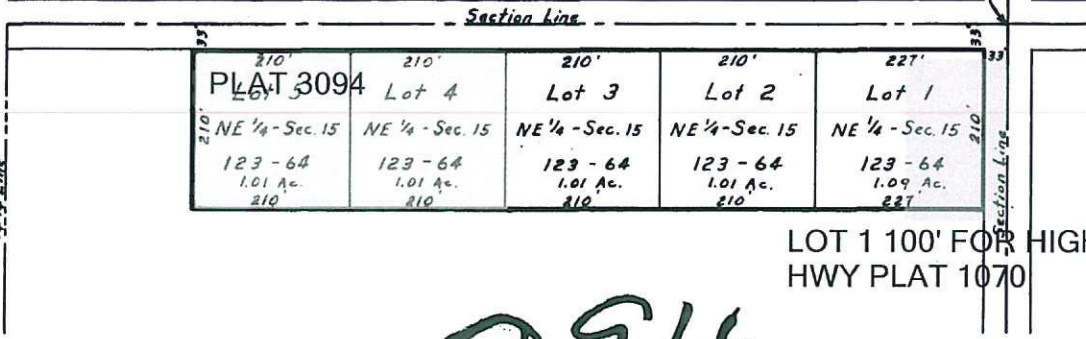
1-26-2016

Prepared By: Francis E. Brink, P.E., L.S., SD1641
616-4th Street North
Aberdeen, South Dakota 57401
Tel. (605) 225-9181

N

394

NE Corner - Sec. 15 - 123 - 64



LOT 1 100' FOR HIGHWAY
HWY PLAT 1070

394

OWNER'S CERTIFICATE

We, Herbert W. Lowe and Helen Lowe, do hereby certify that we are the absolute and unqualified owners of the NE 1/4, Section 15, Township 123, Range 64, in Brown County, South Dakota, and that we have caused a portion of the same to be surveyed and platted into five (5) lots as shown on this plat.

Signed this 5th day of April, 1957.

Herbert W. Lowe
Owner
Helen Lowe
Owner

State of South Dakota)
County of Brown) ss

On this 5th day of April, 1957,
before me personally appeared Herbert W. Lowe and Helen Lowe, 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.

K. B. Byrum
Notary Public, South Dakota

SURVEYOR'S CERTIFICATE

I, Arthur S. Mannes, Registered Professional Engineer and Land Surveyor, do hereby certify that at the request of Herbert W. Lowe and Helen Lowe, who executed the Owner's Certificate above, I surveyed and platted five (5) lots in the NE 1/4, Section 15, Township 123, Range 64, Brown County, South Dakota, as shown on the above plat, and that said plat is correct.

Signed this 29th day of March 1957.

Arthur S. Mannes
Registered Professional Engineer
and Land Surveyor

State of South Dakota)
County of Brown) ss

On this 29th day of March, 1957,
before me personally appeared Arthur S. Mannes, 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.

Wm. S. Jones
Notary Public, South Dakota

State of South Dakota)
County of Brown) ss
Office of Treasurer)

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 have been paid in full.

Dated: _____, 1957.

County Treasurer

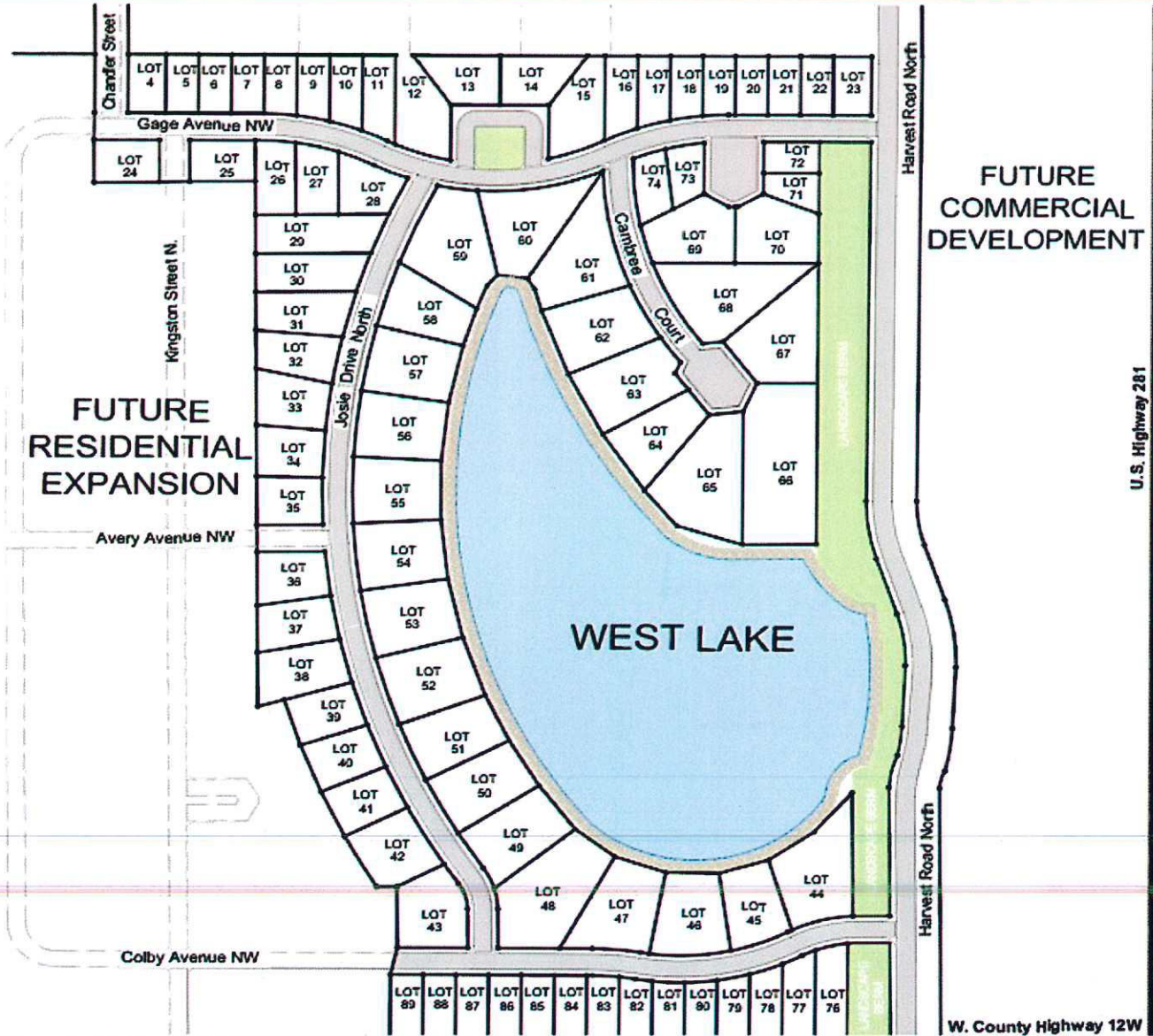
Filed for record this 3rd day of April, 1957 at 11:20 o'clock

A. M., and duly recorded in Book _____, Page _____, and in Plat Book _____.

Clara R. Rypstead
Register of Deeds

West Lake

LOTS FOR SALE



JENNY NELSON | 763.516.1560 | jnelson@syltebros.com

APPROVED BY _____
DATE _____

SERVICE SIGNS INC
605-225-6845

This is An Original Unpublished Drawing, Created By Service Signs. It is submitted for your personal use in connection with the project being planned for you by Service Signs. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, copied or exhibited in any fashion whatsoever. All or any part of this design (including registered trademarks) remain the property of Service Signs Inc. Forre vs Gindoe Marc Co. Fla. 1977

- A. Four or more separate claim payments have been made under a Standard Flood Insurance Policy issued pursuant to this title, with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; *or*
- B. At least two separate claims payments have been made under a Standard Flood Insurance Policy, with the cumulative amount of such claim payments exceed the fair market value of the insured building on the day before each loss.

Seedling: Means a nonflowering cannabis plant or rooted cutting that measures 24 inches or less from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.

Severe Repetitive Loss Property. (FEMA) Either a severe repetitive loss building or the contents within a severe repetitive loss building, or both.

Shall. "*Shall*" means that the condition is an enforceable requirement of this permit.

Shallow Aquifer. An aquifer vulnerable to contamination because the permeable material making up the aquifer (a) extends to the land surface so percolation water can easily transport contaminants from land surface to the aquifer, or (b) extends to near the land surface and lacks a sufficiently thick layer of impermeable material on the land or near the land surface to limit percolation water from transporting contaminants from the land surface to the aquifer.

Shallow Well. A well which is located in a shallow aquifer.

Salvage Yards. The use of more than seven hundred fifty (750) square feet of open storage on any lot, portion of a lot, or tract of land for the sale, storage, keeping, or for the abandonment, dismantling, or wrecking of automobiles or other vehicles, machines, or parts thereof. (See also Junkyards).

Shelterbelts/Fieldbelts. A strip or belt of trees or shrubs established to reduce soil erosion and to protect yards, lots, buildings, livestock, residences, recreation areas, and wildlife from wind. For the purpose of this ordinance, a shelterbelt shall include ten (10) or more trees planted in a line forming a row and separating each row by a distance of forty (40) feet or less.

Shooting/Hunting Preserve. Any acreage, either privately owned or leased, on which hatchery raised game is released for the purpose of hunting for a fee, over an extended season.

Should. "*Should*" means that the condition is a recommendation. If violations of the permit occur, the County will evaluate whether the producer implemented the recommendations contained in this permit that may have helped the producer to avoid the violation.

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one (1) square foot in area bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

2. Flags and insignias of any government except when displayed in connection with commercial promotion.
3. Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
4. Integral decorative or architectural feature of buildings, except letters, trademarks, moving parts, or moving lights; and
5. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

Sign, Off-site. A sign other than an exterior or interior on-site sign. Off-site signs are more conventionally known as billboards regardless of size.

Sign, On-site, Exterior. An exterior sign relating to its subject to the premises on which it is located, or to products, accommodations, services, or activities on the premises. Exterior on-site signs do not include signs erected by outdoor advertising industry in the conduct of the outdoor advertising business, such as billboards, which are off-site signs.

Sign, On-site, Interior. A sign on the interior of a structure relating its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. As long as any such sign is not normally viewable from the exterior of the premises, it shall not be regulated by this Title.

Significant Contributor of Pollution. To determine if a concentrated animal feeding operation meets this definition, the following factors are considered:

1. Size of feeding operation and amount of manure reaching waters of the state;
2. Location of the feeding operation in relation to waters of the state;
3. Means of conveyance of manure and process wastewater into waters of the state;
4. The slope, vegetation, rainfall and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewater into waters of the state.

Small Wind Energy Conservation System or SWECS. A WECS facility with a single tower height of less than seventy-five (75) feet used primarily for on-site consumption of power.

Solar Array. A collection of two or more connected solar modules or panels.

Solar Collector. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES): A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, as well as energy storage technology, for the primary purpose of wholesale sales of generated electricity and stored electricity. A SES is the principal land use for the parcel on which it is located. A SES site may include an array of devices, or structural design features, the purpose of which is to provide for generation of electricity, the collection, storage, and distribution of solar energy.

Retail Sales Establishments	1 space per 200 sq ft of gross floor area	1 space per establishment
Roadside Stands	4 spaces per establishment	None required
Sanitariums, Convalescent and Rest Home Services	1 space per 3 beds, plus 1 space per employee	1 space per establishment
Service Establishments	1 space per 200 sq ft of gross floor area	1 space per establishment
Theaters, Auditoriums and Places of Assembly	1 space per 5 people in designed capacity	1 space per establishment
Veterinary Establishments	3 spaces per staff doctor	1 space per establishment
Wholesaling and Distribution Operations	1 space per 2 employees on largest shift	2 spaces per establishment

4.2007 **Signs Excepted.** All signs are prohibited in all Residential, Conservation, Flood Plain, Rural Urban, and Recreation Districts except in the following:

1. Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
2. Real Estate Signs not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
3. Name, Occupation, and Warning Signs not to exceed two (2) square feet located on the premises.
4. Bulletin Boards for public, charitable, or religious institutions shall not exceed thirty-five (35) square feet in area located on the premises.
5. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal affixed flat against a structure.
6. Official Signs such as traffic control, parking restrictions, information, and notices.
7. Temporary Signs or banners when authorized by the County Planning Commission.

4.2008 **Signs permitted.** Signs shall conform to State law when along all State and Federal primary road system highways. Signs not covered in the above shall be permitted in all commercial, industrial, agricultural, and residential districts with a Conditional Use Petition (CUP) approval from the Brown County Planning/Zoning Commission subject to the following restrictions:

1. Wall Signs placed against the exterior walls of buildings shall not exceed more than six (6) inches outside of a building's wall surface; shall not exceed five hundred (500) square feet in

area for any one premise, and shall not exceed twenty (20) feet in height above the mean centerline street grade.

2. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for any one premise; shall not extend more than six (6) feet into any required yard; shall not extend more than six (6) feet into any public right-of-way; shall not be less than ten (10) feet from all side lot lines; shall not exceed a height of twenty (20) feet above the mean centerline street grade, and fifteen (15) feet above the driveway or an alley.

3. Ground Signs shall not exceed twenty (20) feet in height above the mean centerline street or grade; shall meet a minimum of one-half (1/2) of the yard requirements for the district in which it is located; shall not exceed one hundred (100) square feet on one side nor two hundred (200) square feet on all sides of any one premise.

4. Roof Signs shall not exceed ten (10) feet in height above the roof; shall meet all the yard and height requirements for the district in which it is located; and shall not exceed three hundred (300) square feet on all sides for any one premise.

5. Combinations of any of the above signs shall meet the requirements for the individual sign.

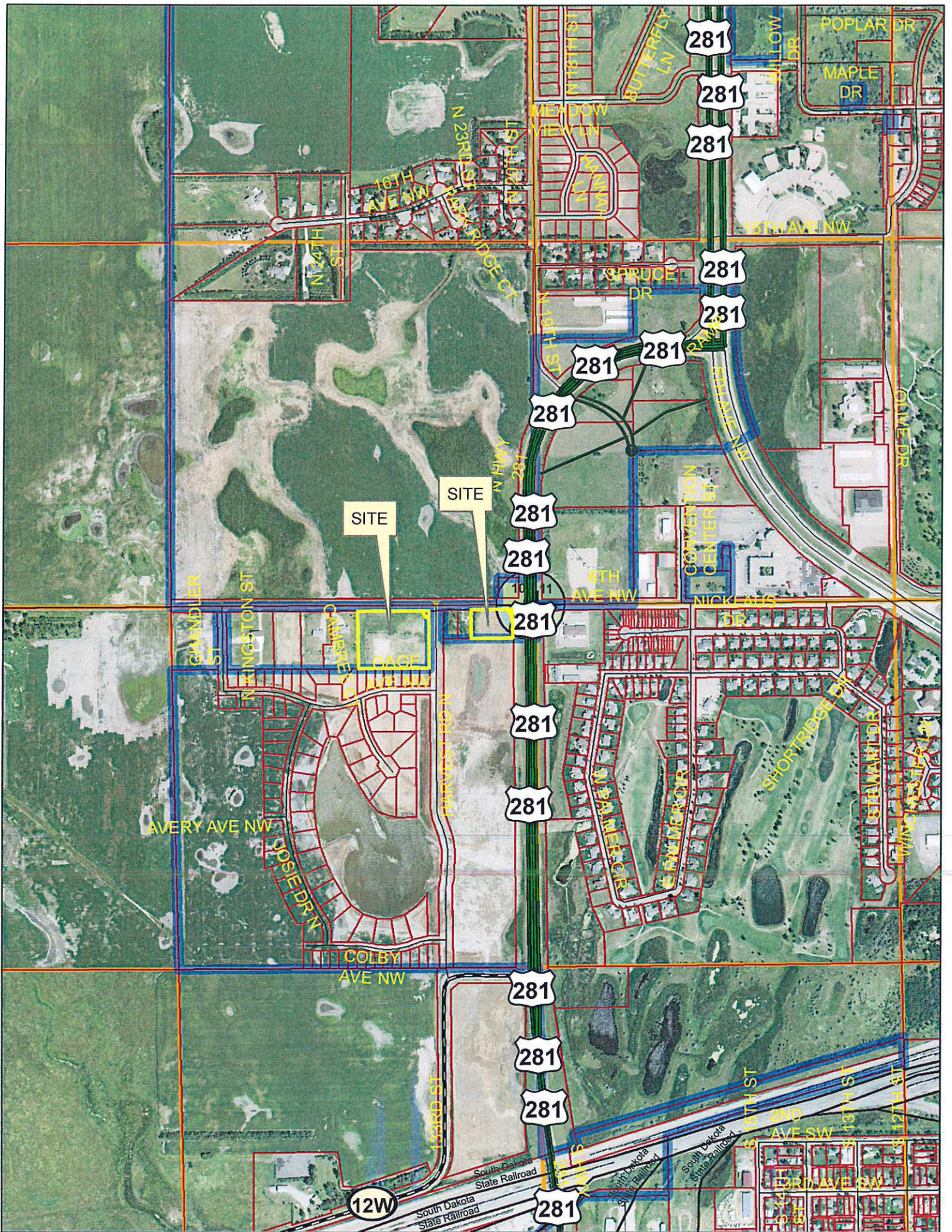
4.2009 Sign as Obstruction/Deception. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

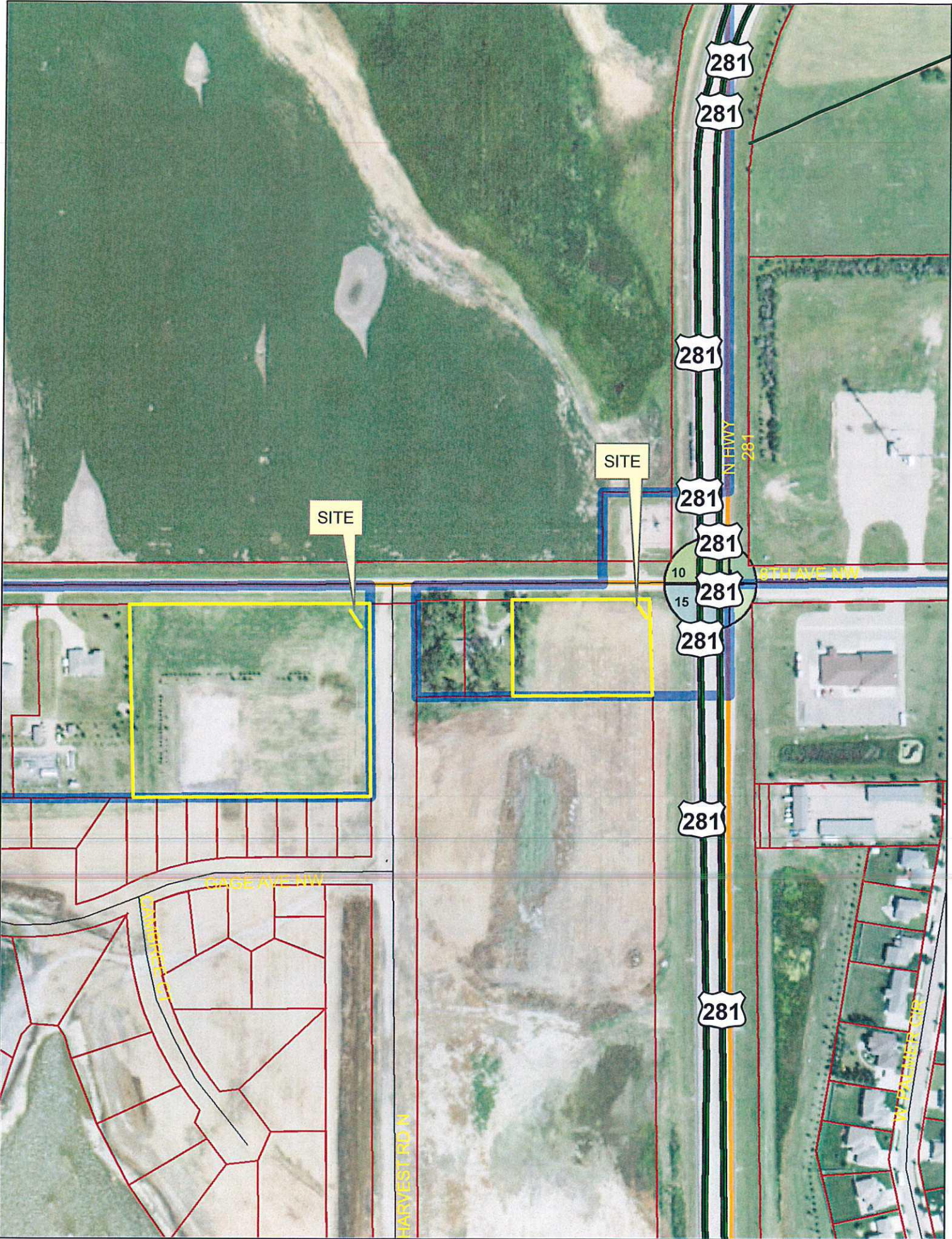
4.2010 Nonconforming Signs. Signs lawfully existing at the time of the adoption or amendment of this Title may be continued although the use, size, or location does not conform with the provisions of this Title. However, it shall be deemed a nonconforming use or structure.

4.2011 Mobile Homes. No mobile home shall be parked and occupied in any unauthorized district for more than forty-eight (48) hours except upon a special permit issued by the Zoning Administrator. Such permit shall not be renewable within the same calendar year. Provided, however, a permit may be issued for parking and occupying a mobile home on land owned by the occupant or occupants, during the construction of a house thereon for a period not exceeding one hundred eighty (180) days. However, if material progress with house construction is not made within forty-five (45) days from the issuance of a permit, or if construction work ceases for a consecutive period of forty-five (45) days, said permit shall become void.

4.2012 Solution Mining Prohibited. Solution mining, in site mining of an ore body with the circulation of chemicals through injection and recovery wells for minerals, is prohibited.

4.2013 Vacation of Streets and Roads. Unless a variance is approved, whenever any street, road or other public right of way is vacated, the zoning district adjoining each side of the street, road or other public right of way is extended to the center of such vacation; and all area included in the vacation shall then and henceforth be subject to the appropriate regulations of the extended districts.





West Lake LLC
5055 East Hwy 12
Aberdeen, SD 57401

Aberdeen Township
Attn: David Feickert
38382 132nd Street
Aberdeen, SD 57401

Park Ridge Properties LLC
2215 16th Avenue NW
Aberdeen, SD 57401

Northwestern Public Service
PO Box 1318
Huron, SD 57350

East River Electric Power
211 Harth Avenue S
Madison, SD 57042

Aberdeen City
123 S Lincoln Street
Aberdeen, SD 57401

Kim & Joleen Fischer
2201 8th Avenue NW
Aberdeen, SD 57401

Angela Huffman
2405 8th Avenue NW
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
Nelson Conditional Use Request
Published March 6, 2024 for \$12.26
Invoice No. 23070

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

14th Day of March 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

Classifieds

and Card of Thanks

The following rates are for Classifieds published in both the Groton Daily Independent and the Groton Independent. Cut rate in half if you just want it in the GDI or just the weekly.

- 1 Week: \$9 for first 30 words, 20¢/word thereafter
 - 2 Wks: \$17 for first 30 words, 38¢/word thereafter
 - 3 Wks: \$24 for first 30 words, 54¢/word thereafter
 - 4th consecutive week is free
- 605/397-NEWS (6397)**
PO Box 34, Groton SD 57445

AUCTIONS

INTERSTATE AUCTION CENTER. March 16, 10:00am. 3 miles east of SF, exit 402, Brandon, SD. Spring consignment auction. Clean farm and ranch equipment. Full listing: auctionzip.com, 605-331-4550

EMPLOYMENT

SEEKING MS/HS INSTRUMENTAL MUSIC Instructor and Culinary Arts/Family and Consumer Science Teacher for the Moberge-Pollock School District 62-6 for the 2024-2025 school year. Contact Dr. Tim Frederick at 605-845-9204 for more information. Certified Application and Resume can be mailed to: Moberge-Pollock School District 62-6; Attn: Dr. Tim Frederick; 1107 1st Avenue East; Moberge SD 57601. Open until filled. EOE.

DITCH RIDER / MAINTENANCE for Angostura Irrigation District. Located in Oral, SD. Position requires field work and irrigation canal and lateral management and maintenance. Applicant must possess or be able to obtain valid South Dakota driver's license. Resumes should be sent to: Angostura Irrigation District 317 First Street, Oral SD 57766. This position will remain open until filled. Call 605-424-2331 with any questions.

MEAT MANAGER – FULL-TIME POSITION. We offer competitive wages, 401K, insurance, paid vacation. Send resumes to Super Foods, 304 East Highway 20, O'Neill, NE 68763 or e-mail to Oneillsf9101@gmail.com.

SPORTS, GENERAL NEWS REPORTER/PHOTOGRAPHER. Two part-time positions or one full-time position with paid vacation, some paid holidays. Resume to officecgr@itcmilbank.com

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MISCELLANEOUS

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NOTICES

Weekly SUDOKU — **ADVERTISE IN NEWS-PAPERS** statewide for only \$150. Put the South Dakota Statewide Classifieds Network to work for you today! (25 words for \$150. Each additional word \$5.) Statewide Full Digital Ad is \$300 for 1 week. Call the Groton Independent at 605-397-7460.



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 Courthouse Annex, basement Community Meeting Room on March 19, 2024, at 7:00 P.M.
Petitioner: Stacy Gossman
Legal description of property: Lot 18, "Gossman First Addition" in the S1/2 of Section 15-T123N-R63W of the 5th P.M., Brown County, South Dakota (5759 Hwy 12 East, Bath Twp.).
Reason: A Conditional Use Petition (CUP) to operate four businesses in one building.
The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 6th day of March 2024.
Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published March 6, 2023, at the total approximate cost of \$11.34 and may be viewed free of charge at www.sdpublicnotices.com. 23069



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 of the Courthouse Annex, Community Meeting Room on March 19, 2024, at 7:00 P.M.
Petitioner: Jenny Nelson for Owner West Lake LLC
Legal description of property: Lot 1, "J & G Barringer First Subdivision" & Lot 1-2 in the NE1/4 of Section 15-T123N-R64W of the 5th P.M., Brown County, South Dakota (2035 & 2305 8th Avenue NW; Aberdeen Twp.).
Reason: A Conditional Use Petition (CUP) for (2) "off-premise" 9' x 8' signs.
The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 6th day of March 2024.
Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published March 6, 2023, at the total approximate cost of \$12.26 and may be viewed free of charge at www.sdpublicnotices.com. 23070



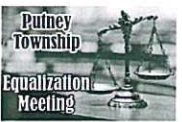
PUBLIC NOTICE TO GROTON PROPERTY OWNERS
Notice is hereby given that City Council, sitting as the Local Board of Equalization, will meet at City Hall, 120 N Main Street, Groton, SD, for the purpose of reviewing, correcting and equalizing the assessment of property on March 19, 2024, at 8:00 pm, following the regular council meeting.
Appeals must be submitted in writing with supporting documentation by 5:00pm Thursday, March 14th at City Hall or mail appeals to the Finance Officer, PO Box 587 Groton, South Dakota. Those appealing will be notified of their scheduled time to meet with the Board. Contact City Hall for more information at 605-397-8422.
Douglas J. Heinrich, Groton City Finance Officer
Published March 6 and 13, 2024, at the total approximate cost of \$16.56 and may be viewed free of charge at www.sdpublicnotices.com. 23065



Henry Township Equalization Meeting Notice:
Notice is hereby given that the governing body section will serve as review board of Henry Township, Brown County. They will be meeting at 7 pm. on Monday, March 18, 2023, at Doug Abeln Seed Company Office for the purpose of reviewing and correcting of the assessment set of the tax districts for the year 2023. All persons considering disputing their assessments are requested to notify the clerk of the board in writing no later than March 15, 2024. Hearings are by appointment only.
/s/ Darlene Sass
Henry Township Clerk
13120 403rd Ave.
Groton, SD 57445
Published March 6 and March 15, 2023, at the total approximate cost of \$14.90 and may be viewed free of charge at www.sdpublicnotices.com. 23067



Bates Township Equalization Meeting Notice:
The Bates Township Board of Equalization will meet at the Clerk's home on Tuesday, March 19th, 2024 at 6:30 pm.
All persons disputing their assessments are requested to notify the clerk prior to the meeting.
Betty Geist
Bates Township Clerk
14523 409th Ave
Conde, SD 57434
Published March 6 and March 15, 2023, at the total approximate cost of \$10.49 and may be viewed free of charge at www.sdpublicnotices.com. 23068



Putney Township Equalization Meeting Notice:
The Putney Township Board of Equalization will meet at Mark Thompson's Shop on Monday, March 18, 2024 at 5:00 pm.
All persons disputing their assessments are requested to notify the clerk prior to the meeting.
Mark Thompson
Putney Township Clerk
Published March 6 and March 15, 2023, at the total approximate cost of \$9.96 and may be viewed free of charge at www.sdpublicnotices.com. 23066



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 March 19, 2024, at 7:00 P.M.
Petitioner: Trevor Zeck
Description of property: "T. Zeck Outlot A" in the SW1/4 of Section 25-T123N-R62W of the 5th P.M., Brown County, South Dakota (13451 400th Avenue, Henry Twp.).
Reason: Rezone parcel from Agriculture Preservation District 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 6th day of March 2024.
Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published March 6, 2023, at the total approximate cost of \$14.10 and may be viewed free of charge at www.sdpublicnotices.com. 23071

Conde National League

Team Standings:
Braves 28, Tigers 28, Cubs 21 1/2, Pirates 18 1/2, Giants 18, Mets 18
Men's High Games: Ryan Bethke 248, Russ Bethke 194, Austin Schuelke 182
Men's High Series: Ryan Bethke 595, Austin Schuelke 521, Russ Bethke 483
Women's High Games: Suzi Easthouse 211, Joyce Walter 174, Sam Bahr 156
Women's High Series: Suzi Easthouse 583, Joyce Walter 475, Sam Bahr 422

Groton Prairie Mixed Bowling League

Team Standings:
Chipmunks – 3, Cheetahs – 3, Shnitzus – 2, Coyotes – 2, Jackalopes – 1, Foxes – 1
Men's High Games: Ron Belden – 230, Lance Frohling – 202, Brad Waage – 195
Women's High Games: Darci Spanier – 173, Lori Giedt – 164, Vicki Walter – 162
Men's High Series: Brad Waage – 559, Lance Frohling – 534, Mike Siegler & Ron Belden – 503
Women's High Series: Darci Spanier – 458, Lori Giedt – 424, Vicki Walter – 415
Fun Game – Most 8 counts with no fill – Chipmunks with 17!

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LUCK
Four-leaf clovers are said to bring good.
Annex, LLC © 2024

STAFF REPORT

Meeting: January 16, 2024

BROWN COUNTY PLANNING COMMISSION

REZONE PARCEL FROM:

ITEM #10

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

GENERAL INFORMATION:

OWNER:

Trevor Zeck

PETITIONER:

Trevor Zeck

REQUEST:

Rezone Parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG)

LEGAL DESCRIPTION:

"T. Zeck Outlot A" in the SW1/4 of Section 25-T123N-R62W of the 5th P.M., Brown County, South Dakota

ADDRESS:

13451 400th Avenue

CITY/TOWNSHIP:

Henry 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

REPORTED BY:

Chris Anderson

GENERAL COMMENT: The petitioner is requesting this Rezone to bring this parcel into compliance for its current 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 March 19, 2024, at 7:00 P.M.

Petitioner: Trevor Zeck

Description of property: "T. Zeck Outlot A" in the SW1/4 of Section 25-T123N-R62W of the 5th P.M., Brown County, South Dakota (13451 400th Avenue, Henry Twp.).

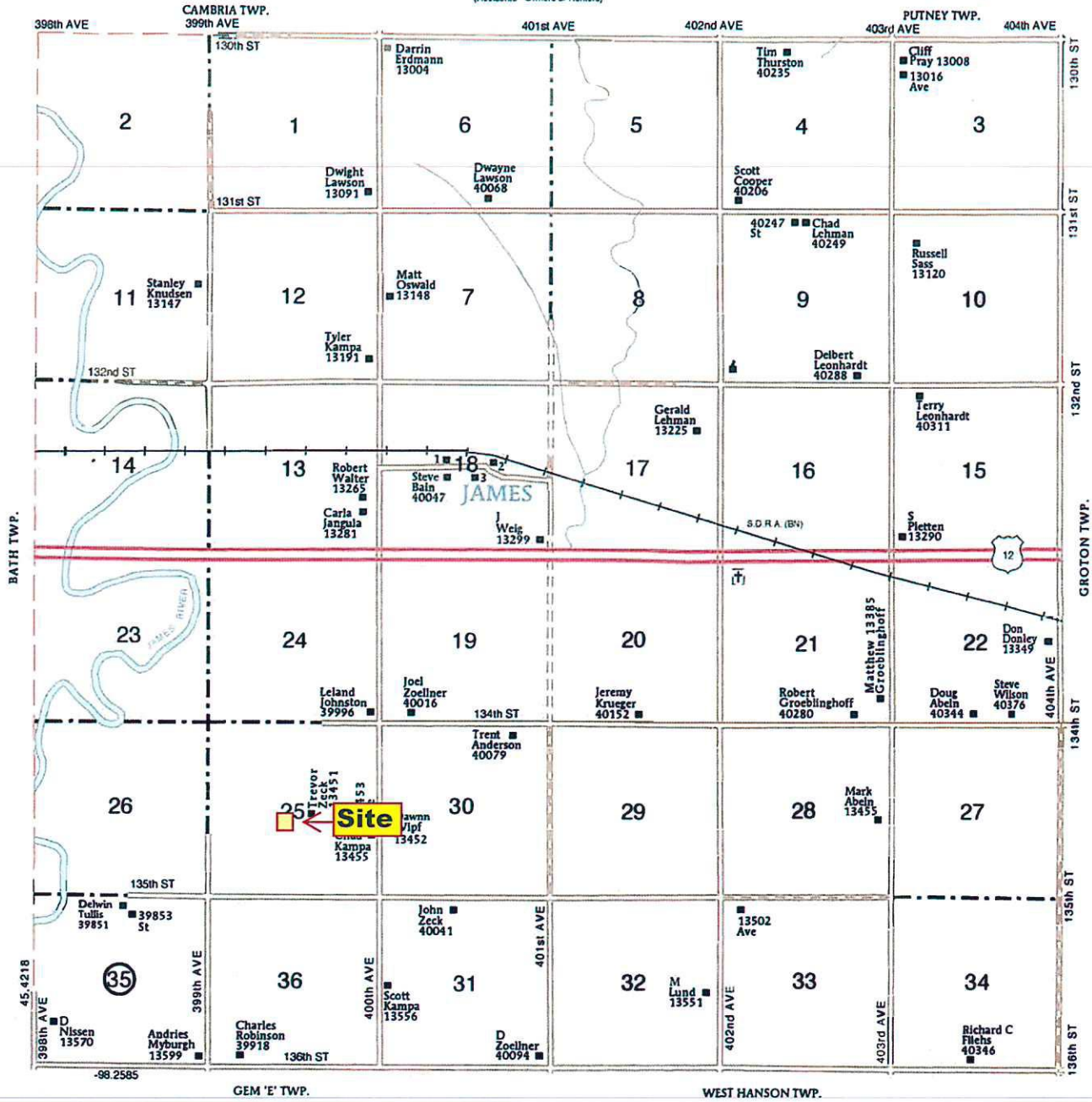
Reason: Rezone parcel from Agriculture Preservation District to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed 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 6th day of March 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 _____.



HENRY TOWNSHIP

SECTION 18

- 1 Doerr, Lori 40038
- 2 Ulvog, Eric 40053
- 3 Cox, Lena 40037

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No:
Date: 2-23-24
Receipt: 821885
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

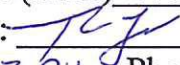
I/We the undersigned, do hereby petition the Brown County Commission of Brown County, South Dakota to rezone property as follows:

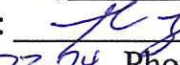
Legal Description:

"T. Zeck Outlot A" in the SW1/4 of Section 25-T123N-R62W of the
5th P.M., Brown County, South Dakota

General Area Location or Street Address: 13451 400th Avenue
From the Agriculture Preservation (AG-P) **District**
To the Mini-Agriculture (M-AG) **District**

Purpose: To Bring into Compliance
Size of Parcel: 15.44 Acres
Existing Land Use: Mini-Agriculture

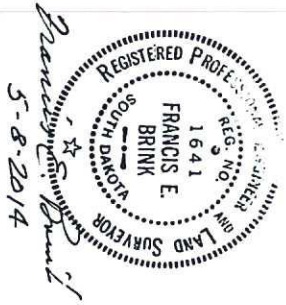
Petitioner: (Print) Trevor Zeck
Signature: 
Date: 2-23-24 Phone: 605-216-8910
Address: 13451 400th Avenue
Groton SD 57445
City State Zip

Owner: (Print) Trevor Zeck
Signature: 
Date: 2-23-24 Phone: 605-216-8910
Address: 13451 400th Avenue
Groton SD 57445
City State Zip

Additional Signatures may be submitted on a separate page.

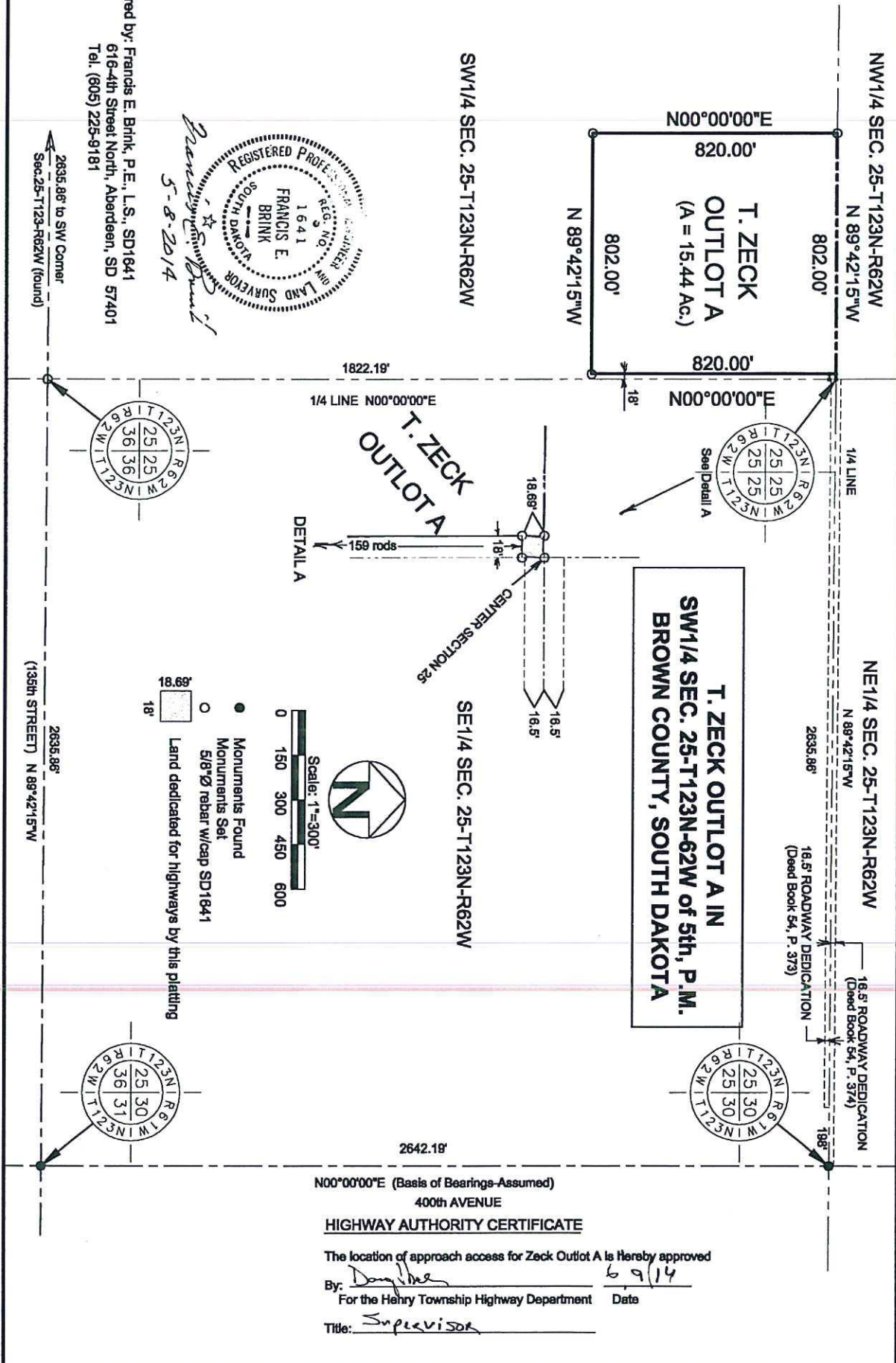
Affidavit 136MR/893

Prepared by: Francis E. Brink, P.E., L.S., SD1841
 616-4th Street North, Aberdeen, SD 57401
 Tel. (605) 225-9181



5-8-2014

2635.86' to SW Corner
 Sec. 25-T123-R62W (found)



HIGHWAY AUTHORITY CERTIFICATE

The location of approach access for Zeck Outlot A is hereby approved
 By: Douglas 6/9/14
 For the Henry Township Highway Department Date
 Title: Supervisor

OWNER'S CERTIFICATE

I, Karon Kurtz, Trustee for the Cora Kurtz Trust, hereby certify that the aforementioned trust is the owner of the SW1/4 Section 25-T123N-R62W of the 5th P.M., EXCEPT, the South 159 rods of the East 18 feet thereof, and did authorize a survey and plat of a portion of said land which shall hereafter be known as "T. ZECK OUTLOT A IN SW1/4 SEC. 25-T123N-R62W of the 5th P.M., BROWN COUNTY, SOUTH DAKOTA", as shown on the attached plat, and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations. Land shown as dedicated for highways is dedicated for the perpetual use of the public for highway purposes. For the Cora Kurtz Trust:

Karon I Kurtz Trustee
Karon Kurtz, Trustee

5-8-14
Date of Signing



ACKNOWLEDGEMENT OF OWNER

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)

On this, the 8th day of May, 2014, before me, Francis E. Brink, a Notary Public, appeared Karon Kurtz, personally known to me or satisfactorily proven to me to be the individual named above, executed the above OWNER'S CERTIFICATE and acknowledged to me that he executed the same.

My Commission Expires: 2-12-2020
Francis E. Brink
Notary Public, State of South Dakota

SURVEYOR'S CERTIFICATE

I, Francis E. Brink, Licensed Land Surveyor, do hereby certify that at the request of the Owner shown above, have surveyed and platted "T. ZECK OUTLOT A IN SW1/4 SEC. 25-T123N-R62W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat; have shown monuments found and set thereon, and to the best of my knowledge, said survey and plat are true and correct.

Signed this 8th day of May, 2014
Francis E. Brink
South Dakota Licensed Land Surveyor No. SD1641

COUNTY PLANNING COMMISSION CERTIFICATE

I hereby certify 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 17th day of June, 2014.

[Signature]
Secretary of County Planning Commission, Brown County, SD

"Be it resolved by the Brown County Planning Commission, Brown County, South Dakota, that the plat showing "T. ZECK OUTLOT A IN SW1/4 SEC. 25-T123N-R62W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA", having been examined, is hereby approved in accordance with the provisions of SDCLS of 1967, Chapter 11-6, and any amendments thereof.

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 June, 2014.

[Signature]
County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "T. ZECK OUTLOT A IN SW1/4 SEC. 25-T123N-R62W of 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 above plat are shown by the records of my office to be fully paid.

Signed this 4th day of June, 2014.
[Signature]
County Treasurer, Brown County, South Dakota



DIRECTOR OF EQUALIZATION'S CERTIFICATION

I hereby certify that I have received a copy of this plat this 4 day of June, 2014.

[Signature]
Director of Equalization, Brown County, South Dakota

REGISTER OF DEED'S CERTIFICATION

Filed for record this 30 day of June, 2014, at 3:46 clock P.M., and duly recorded in Book of

Plats No. 3100

INSTRUMENT NO. 201403336
BOOK: 2 PLAT
PAGE: 3100

Pages: 2

2014/06/30 03:41:21 PM



[Signature]
Register of Deeds, Brown County, South Dakota

CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 60.00
Return To: FILED



2014/07/14 02:05:10 PM

Document Prepared By:
Francis E. Brink
616-4th Street North
Aberdeen, South Dakota 57401
Tel. (605) 225-9181

CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 30.00
Return To: BRINK ENGINEERING

SURVEYOR'S AFFIDAVIT OF CORRECTION
T. ZECK OUTLOT A IN
SW1/4 SEC. 25-T123N-R62W of 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

I, Francis E. Brink, Licensed Land Surveyor in the State of South Dakota, certify that the above named plat, filed in the Brown County Office of Register of Deeds as Plat 3100, filed on June 30, 2014 contained a drafting error for the location of the Roadway Dedications described in Deed Book 54, pages 373 and 374.

The point of beginning described in Page 373 shall be changed on the plat to commence at the east quarter corner of Sec. 25-T123N-R62W and lie totally in the SE1/4 of Section 25, AND

The point of beginning described in Page 374 shall be changed on the plat to commence at a point 12 rods (198') west of the east quarter corner of Sec. 25-T123N-R62W and lie totally in the NE1/4 of Section 25.

All other aspects of the plat are correct as shown.

Francis E. Brink
Francis E. Brink, P.E., L.S. SD1641

7-14-2014
Date



ACKNOWLEDGEMENT OF SURVEYOR

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)

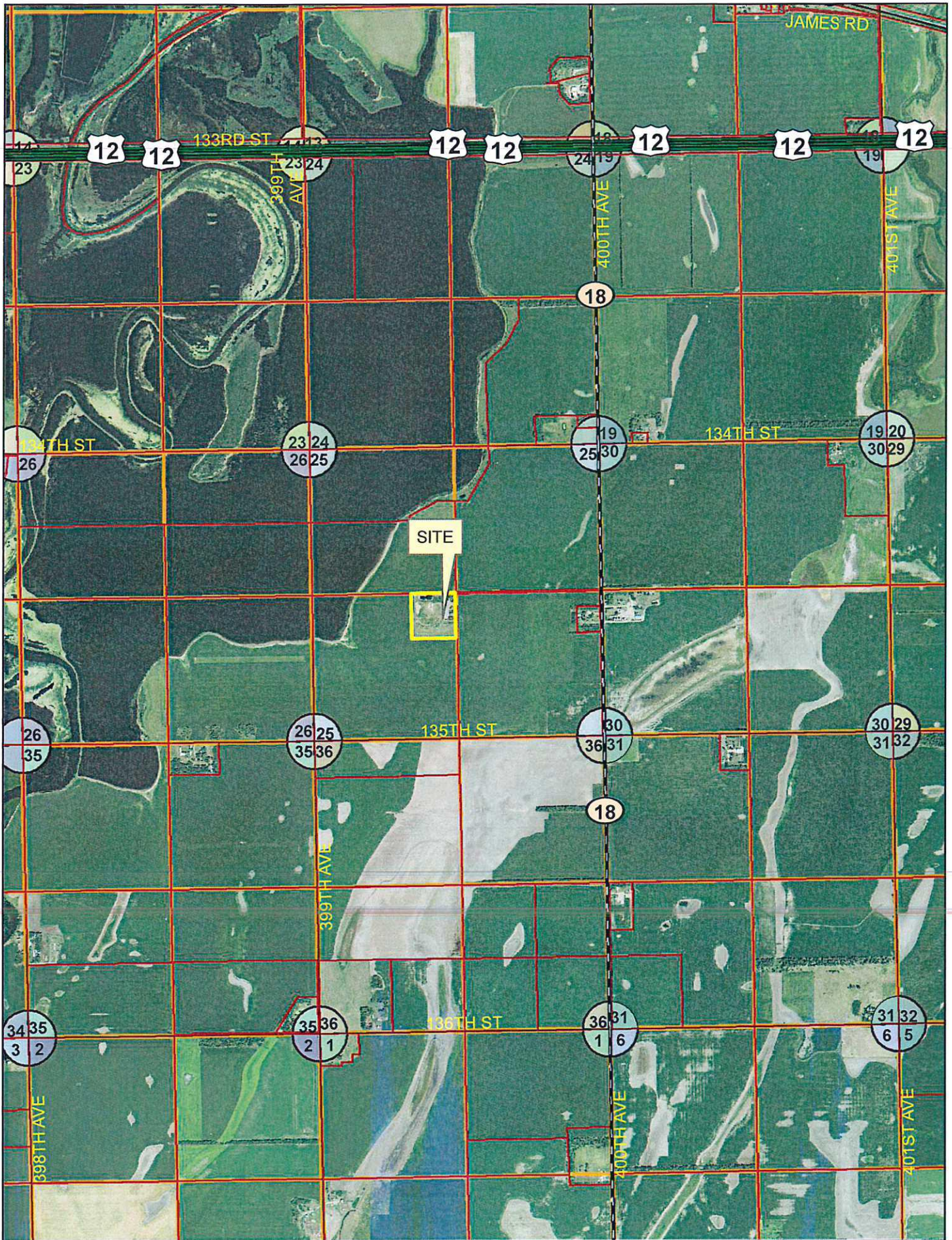
On this, the 14th day of July, 2014 before me, the undersigned Officer, personally appeared Francis E. Brink, who acknowledged to me that he executed the above SURVEYOR'S AFFIDAVIT by signing.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

NOTARY PUBLIC, SOUTH DAKOTA Carmel E. Heyd

MY COMMISSION EXPIRES: 9/22/17





SITE



Trevor Zeck
13451 400th Avenue
Groton SD 57445

Henry Township
C/O Mark Abeln
13455 403rd Avenue
Groton SD 57445

Bret Fliehs
39865 137th Street
Groton SD 57445

Greg & Nancy Odde
38563 129th Street
Aberdeen SD 57401

Steven McKiver
1016 11th Street SE
Mandan ND 58554

Kristi Peterson
606 5th Avenue W
Groton SD 57445

Katie Kampa
13455 400th 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
Zeck Rezoning Notice
Published March 6, 2024 for \$14.10
Invoice No. 23071**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

14th Day of March 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

Classifieds

and Card of Thanks

The following rates are for Classifieds published in both the Groton Daily Independent and the Groton Independent. Cut rate in half if you just want it in the GDI or just the weekly.

- 1 Week: \$9 for first 30 words, 20¢/word thereafter
 - 2 Wks: \$17 for first 30 words, 38¢/word thereafter
 - 3 Wks: \$24 for first 30 words, 54¢/word thereafter
 - 4th consecutive week is free
- 605/397-NEWS (6397)**
PO Box 34, Groton SD 57445

AUCTIONS

INTERSTATE AUCTION CENTER. March 16, 10:00am. 3 miles east of SF, exit 402, Brandon, SD. Spring consignment auction. Clean farm and ranch equipment. Full listing: auctionzip.com, 605-331-4550

EMPLOYMENT

SEEKING MS/HS INSTRUMENTAL MUSIC Instructor and Culinary Arts/Family and Consumer Science Teacher for the Moberidge-Pollock School District 62-6 for the 2024-2025 school year. Contact Dr. Tim Frederick at 605-845-9204 for more information. Certified Application and Resume can be mailed to: Moberidge-Pollock School District 62-6; Attn: Dr. Tim Frederick; 1107 1st Avenue East; Moberidge SD 57601. Open until filled. EOE.

DITCH RIDER / MAINTENANCE for Angostura Irrigation District. Located in Oral, SD. Position requires field work and irrigation canal and lateral management and maintenance. Applicant must possess or be able to obtain valid South Dakota angustura's license. Resumes should be sent to: Angostura Irrigation District 317 First Street, Oral SD 57766. This position will remain open until filled. Call 605-424-2331 with any questions.

MEAT MANAGER – FULL-TIME POSITION. We offer competitive wages, 401K, insurance, paid vacation. Send resumes to Super Foods, 304 East Highway 20, O'Neill, NE 68763 or e-mail to Oneillsf9101@gmail.com.

SPORTS, GENERAL NEWS REPORTER/PHOTOGRAPHER. Two part-time positions or one full-time position with paid vacation, some paid holidays. Resume to officecgr@itcmilbank.com

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MISCELLANEOUS

SWITCH AND SAVE up to \$250/year on your talk, text and data. No contract and no hidden fees. Unlimited talk and text with flexible data plans. Premium nationwide coverage. 100% U.S. based customer service. For more information, call 1-866-337-1645

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NOTICES

Weekly SUDOKU

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

ADVERTISE IN NEWS-PAPERS statewide for only \$150. Put the South Dakota Statewide Classifieds Network to work for you today! (25 words for \$150. Each additional word \$5.) Statewide Full Digital Ad is \$300 for 1 week. Call the Groton Independent at 605-397-7460.



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 Courthouse Annex, basement Community Meeting Room on March 19, 2024, at 7:00 P.M.
Petitioner: Stacy Gossman
Legal description of property: Lot 1B, "Gossman First Addition" in the S1/2 of Section 15-T123N-R63W of the 5th P.M., Brown County, South Dakota (5759 Hwy 12 East, Bath Twp.).
Reason: A Conditional Use Petition (CUP) to operate four businesses in one building.
The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 6th day of March 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144 Published March 6, 2023, at the total approximate cost of \$11.34 and may be viewed free of charge at www.sdpublicnotices.com. 23069



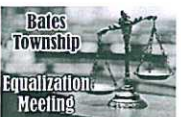
NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the basement of the Courthouse Annex, Community Meeting Room on March 19, 2024, at 7:00 P.M.
Petitioner: Jenny Nelson for Owner West Lake LLC
Legal description of property: Lot 1, "J & G Barringer First Subdivision" 8 Lot 1-2 in the NE1/4 of Section 15-T123N-R64W of the 5th P.M., Brown County, South Dakota (2035 & 2305 8th Avenue NW; Aberdeen Twp.).
Reason: A Conditional Use Petition (CUP) for (2) "off-premise" 8' x 8' signs.
The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 6th day of March 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144 Published March 6, 2023, at the total approximate cost of \$12.26 and may be viewed free of charge at www.sdpublicnotices.com. 23070



PUBLIC NOTICE TO GROTON PROPERTY OWNERS
Notice is hereby given that City Council, sitting as the Local Board of Equalization, will meet at City Hall, 120 N Main Street, Groton, SD, for the purpose of reviewing, correcting and equalizing the assessment of property on March 19, 2024, at 8:00 pm, following the regular council meeting.
Appeals must be submitted in writing with supporting documentation by 5:00pm Thursday, March 14th at City Hall or mail appeals to the Finance Officer, PO Box 587 Groton, South Dakota. Those appealing will be notified of their scheduled time to meet with the Board. Contact City Hall for more information at 605-397-8422.
Douglas J. Heinrich, Groton City Finance Officer
Published March 6 and 13, 2024, at the total approximate cost of \$16.56 and may be viewed free of charge at www.sdpublicnotices.com. 23065



Henry Township Equalization Meeting Notice:
Notice is hereby given that the governing body section will serve as review board of Henry Township, Brown County. They will be meeting at 7 pm, on Monday, March 18, 2023, at Doug Abeln Seed Company Office for the purpose of reviewing and correcting of the assessment set of the tax districts for the year 2023. All persons considering disputing their assessments are requested to notify the clerk of the board in writing no later than March 15, 2024. Hearings are by appointment only.
/s/ Darlene Sass
Henry Township Clerk
13120 403rd Ave.
Groton, SD 57445
Published March 6 and March 15, 2023, at the total approximate cost of \$14.90 and may be viewed free of charge at www.sdpublicnotices.com. 23067



Bates Township Equalization Meeting Notice:
The Bates Township Board of Equalization will meet at the Clerk's home on Tuesday, March 19th, 2024 at 6:30 pm.
All persons disputing their assessments are requested to notify the clerk prior to the meeting.
Betty Geist
Bates Township Clerk
14523 409th Ave
Conde, SD 57434
Published March 6 and March 15, 2023, at the total approximate cost of \$10.49 and may be viewed free of charge at www.sdpublicnotices.com. 23068



Putney Township Equalization Meeting Notice:
The Putney Township Board of Equalization will meet at Mark Thompson's Shop on Monday, March 18, 2024 at 5:00 pm.
All persons disputing their assessments are requested to notify the clerk prior to the meeting.
Mark Thompson
Putney Township Clerk
Published March 6 and March 15, 2023, at the total approximate cost of \$9.96 and may be viewed free of charge at www.sdpublicnotices.com. 23066



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 March 19, 2024, at 7:00 P.M.
Petitioner: Trevor Zeck
Description of property: "T, Zeck Outlot A" in the SW1/4 of Section 25-T123N-R62W of the 5th P.M., Brown County, South Dakota (13451 400th Avenue, Henry Twp.).
Reason: Rezone parcel from Agriculture Preservation District 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 6th day of March 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144 Published March 6, 2023, at the total approximate cost of \$14.10 and may be viewed free of charge at www.sdpublicnotices.com. 23071

Conde National League

Team Standings:
Braves 28, Tigers 28, Cubs 21 1/2, Pirates 18 1/2, Giants 18, Mets 18
Men's High Games: Ryan Bethke 248, Russ Bethke 194, Austin Schuelke 182
Men's High Series: Ryan Bethke 595, Austin Schuelke 521, Russ Bethke 483
Women's High Games: Suzi Easthouse 211, Joyce Walter 174, Sam Bahr 156
Women's High Series: Suzi Easthouse 583, Joyce Walter 475, Sam Bahr 422

Groton Prairie Mixed Bowling League

Team Standings:
Chipmunks – 3, Cheetahs – 3, Shituzus – 2, Coyotes – 2, Jackalopes – 1, Foxes – 1
Men's High Games: Ron Belden – 230, Lance Frohling – 202, Brad Waage – 195
Women's High Games: Darci Spanier – 173, Lori Giedt – 164, Vicki Walter – 162
Men's High Series: Brad Waage – 559, Lance Frohling – 534, Mike Siegler & Ron Belden – 503
Women's High Series: Darci Spanier – 458, Lori Giedt – 424, Vicki Walter – 415
Fun Game – Most 8 counts with no fill – Chipmunks with 17!

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Did you spot the 4-leaf clover?
Four-leaf clovers are said to bring good luck.
LUCK
Animi LLC © 2024

STAFF REPORT

Meeting: March 19, 2024

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM #11

GENERAL INFORMATION:

OWNER:	Ronald & Debra Droog
PETITIONER:	Troy Woehl
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"Droog's Second Subdivision" in the S1/2 of Section 22-T123N-R64W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	1401 385 th Avenue South
CITY/TOWNSHIP:	Aberdeen Twp
EXISTING ZONING	Mini-Agriculture District (M-AG)
SURROUNDING ZONING:	
North:	Highway Commercial District (HC)
South:	Mini-Agriculture District (M-AG)
West:	Agriculture Preservation District (AG-P)
East:	Mini-Agriculture District (M-AG)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

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

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Droog's Second Subdivision

LEGAL SECTION: QUARTER: S1/2 SECTION: 22 TOWNSHIP: 123 RANGE: 64

MANDATORY LOTS: 1,2 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Aberdeen

UTILITIES: WEB Water

OWNERS NAMES: Ronald & Debra Droog

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: 02 / 22 / 20 24

RECEIVED BY PLANNING DEPARTMENT: 02 / 22 / 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 _____

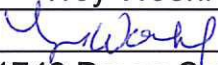
BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: February 22, 2024
RECEIPT # 821883
TOWNSHIP: Aberdeen Twp

FEE: \$150.00
PAID: YES/NO CHK/CASH
DATE: 2/22/2024

OWNERS NAME (print): Ronald & Debra Droog
OWNERS SIGNATURE: _____
OWNERS ADDRESS: 1401 385th Avenue South
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: _____
OWNERS EMAIL: _____

AGENTS NAME (print): Troy Woehl
AGENTS SIGNATURE: 
AGENTS ADDRESS: 1749 Droog Court
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-380-4473
AGENTS EMAIL: _____

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Droog's Second Subdivision" in the S1/2 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

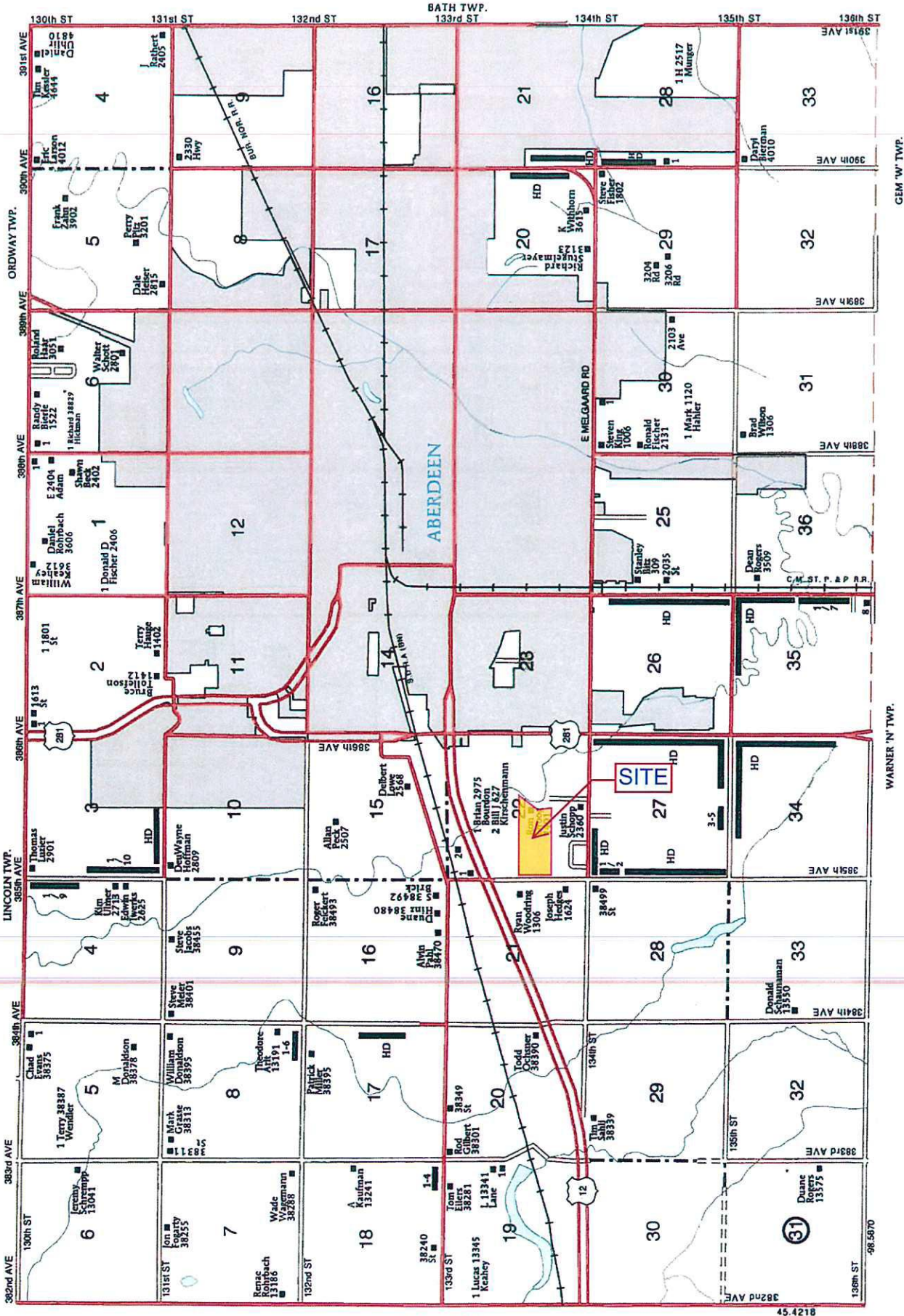
HEARING DATE: March 19, 2024 TIME: 7:00 pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • www.brown.sd.us • email: Scott.Bader@browncounty.sd.gov

(Residence - Owners or Renters)



SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

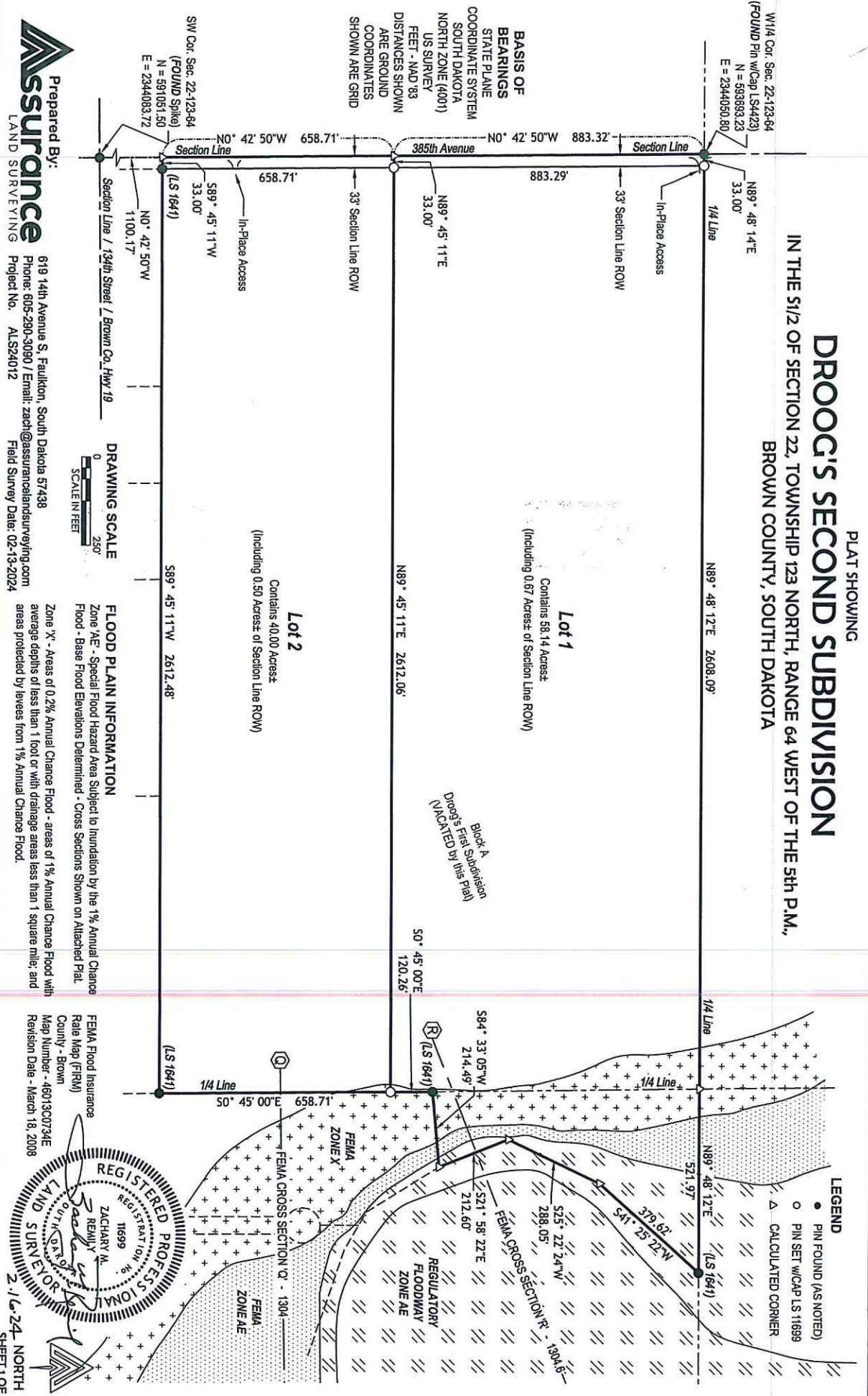
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MERCIER TWP.

W1/4 Cor. Sec. 22-123-64
 (FOUND Pin w/Cap LS4423)
 N = 593893.23
 E = 2344050.80

PLAT SHOWING
DROOG'S SECOND SUBDIVISION
 IN THE S1/2 OF SECTION 22, TOWNSHIP 123 NORTH, RANGE 64 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



Prepared By:
Assurance
 LAND SURVEYING
 619 14th Avenue S, Faulkton, South Dakota 57438
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
 Project No. ALS24012 Field Survey Date: 02-13-2024



FLOOD PLAIN INFORMATION
 Zone 'AE' - Special Flood Hazard Area Subject to Inundation by the 1% Annual Chance Flood - Base Flood Elevations Determined - Cross Sections Shown on Attached Plat.
 Zone 'X' - Areas of 0.2% Annual Chance Flood - areas of 1% Annual Chance Flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% Annual Chance Flood.

FEMA Flood Insurance Rate Map (FIRM)
 County - Brown
 Map Number - 4601300734E
 Revision Date - March 18, 2008

REGISTERED PROFESSIONAL LAND SURVEYOR
 ZACHARY M. REMIY
 REGISTRATION No. 11699
 2-16-24 NORTH SHEET 1 OF 3

PLAT SHOWING

DROOG'S SECOND SUBDIVISION

IN THE S1/2 OF SECTION 22, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Ronald A. Droog and Debra Jo Droog, husband and wife, as joint tenants with the right of survivorship and not as tenants in common, do hereby certify that we are the owners of Block A, Droog's First Subdivision in the South Half (S1/2) of Section Twenty-Two (22), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that we 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:

**"DROOG'S SECOND SUBDIVISION IN THE S1/2 OF SECTION 22,
TOWNSHIP 123 NORTH, RANGE 64 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, Ronald A. Droog and Debra Jo Droog, husband and wife, as joint tenants with the right of survivorship and not as tenants in common, do hereby **VACATE** Block A, Droog's First Subdivision in the South Half (S1/2) of Section Twenty-Two (22), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota as filed for record on June 2, 2004 at 9:20 A.M. and duly recorded as Hanging Plat No. 1983H.

Owner: **Ronald A. Droog**

Ronald A Droog
Signature

Signed this 19th day of February, 2024.

COUNTY OF Brown)
STATE OF SD) SS

On this the 19th day of February, 2024,
before me, Lisa Trenhaile, the undersigned officer,
personally appeared **Ronald A. Droog** 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: 2/24/2028

Lisa Trenhaile
Notary Public



Owner: **Debra Jo Droog**

Debra Jo Droog
Signature

Signed this 19th day of February, 2024.

COUNTY OF Brown)
STATE OF SD) SS

On this the 19th day of February, 2024,
before me, Lisa Trenhaile, the undersigned officer,
personally appeared **Debra Jo Droog** 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: 2/24/2028

Lisa Trenhaile
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 owners, I have surveyed and platted:

**"DROOG'S SECOND SUBDIVISION
IN THE S1/2 OF SECTION 22,
TOWNSHIP 123 NORTH, RANGE 64 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 17699

Signed this 16th day of FEBRUARY, 2024.

HIGHWAY APPROVAL

"Existing Access to **385th 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."

Samuel Scheuermann Road Supervisor
Print Name & Title

Samuel Scheuermann
Signature

Signed this 20th day of February, 2024.



PLAT SHOWING

DROOG'S SECOND SUBDIVISION

IN THE S1/2 OF SECTION 22, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

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:

**"DROOG'S SECOND SUBDIVISION
IN THE S1/2 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."

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:

**"DROOG'S SECOND SUBDIVISION
IN THE S1/2 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 11-6, and any amendments.

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

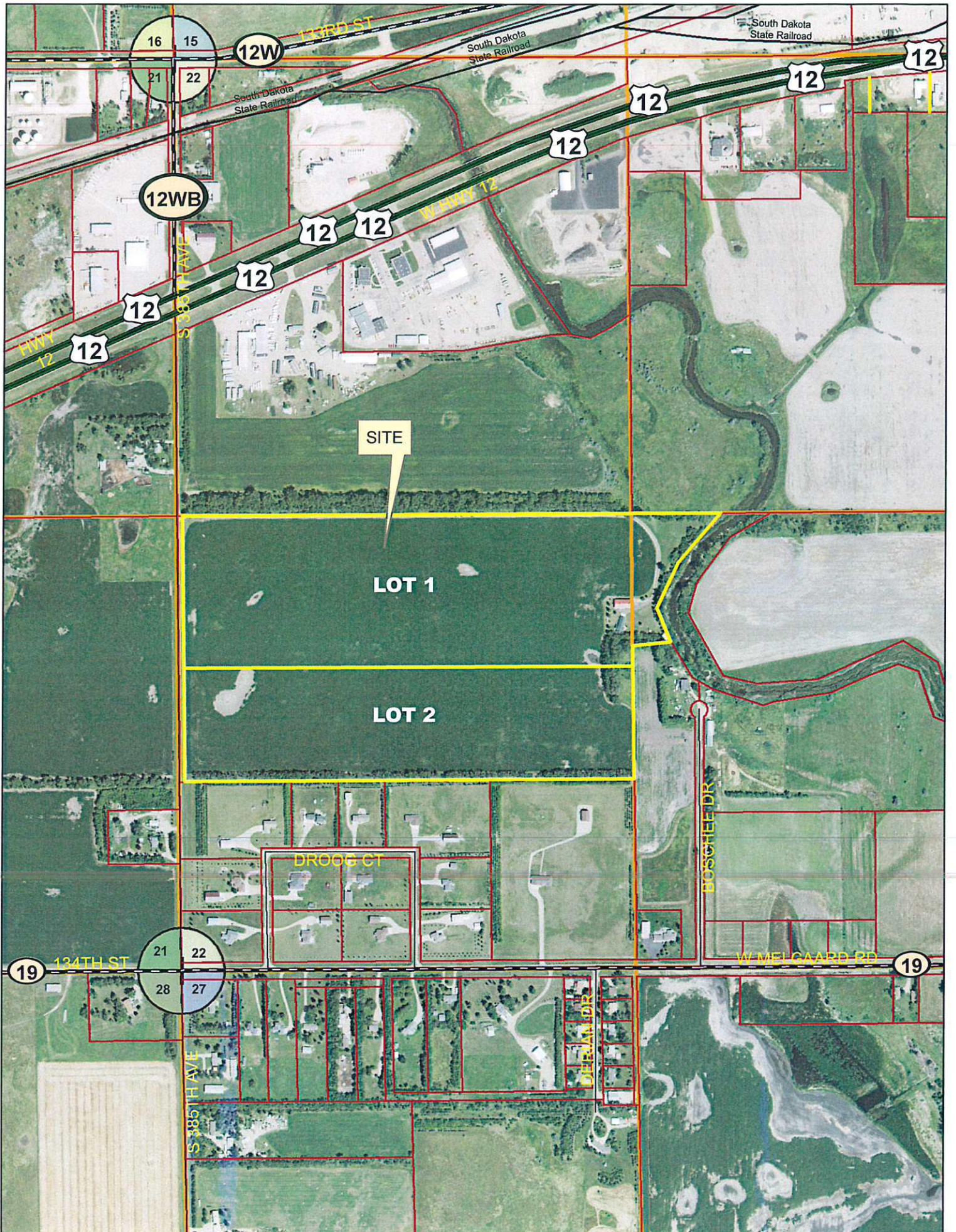
REGISTER OF DEEDS' CERTIFICATE

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



STAFF REPORT

Meeting: March 19, 2024

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM #12

GENERAL INFORMATION:

OWNER:	Thomas Munger
PETITIONER:	Thomas Munger
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"Munger-Mackner Addition" in the N1/2 of Section 9-T121N-R64W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	38465 & 38477 143 rd Street
CITY/TOWNSHIP:	Warner 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:	WEB Water
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REPORTED BY:	Chris Anderson
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GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for conveyance purposes.

GENERAL REVIEW: Staff has reviewed this plat. This is part of a 10-31 exchange.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Munger-Mackner Addition

LEGAL SECTION: QUARTER: N1/2 SECTION: 9 TOWNSHIP: 121 RANGE: 64

MANDATORY LOTS: 1-2 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Warner School District

UTILITIES: WEB Water

OWNERS NAMES: Thomas Munger

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Assurance Land Surveying - Zach Remily

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

PLAT FEE PER PLAT: \$150.00 DATE PAID: 03 / 13 / 20 24

RECEIVED BY PLANNING DEPARTMENT: 03 / 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: February 22, 2024
RECEIPT # 821893
TOWNSHIP: Warner Twp.

FEES: \$ 150.00
PAID: YES/NO CHK/CASH
DATE: 3/13/2024

OWNERS SIGNATURE: Thomas Munger
OWNERS ADDRESS: 724 Stoney Point Trail Unit #201
OWNERS CITY, STATE, ZIP: Watertown SD 57201
OWNERS PHONE: (605) 228-2460

AGENTS SIGNATURE: Zach Remily dba: Assurance Land Surveying
AGENTS ADDRESS: 619 14th Avenue S
AGENTS CITY, STATE, ZIP: Faulkton, SD 57438
AGENTS PHONE: (605) 290-3090

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: Munger-Mackner Addition in the N1/2 of Section 9-T121N-
R64W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

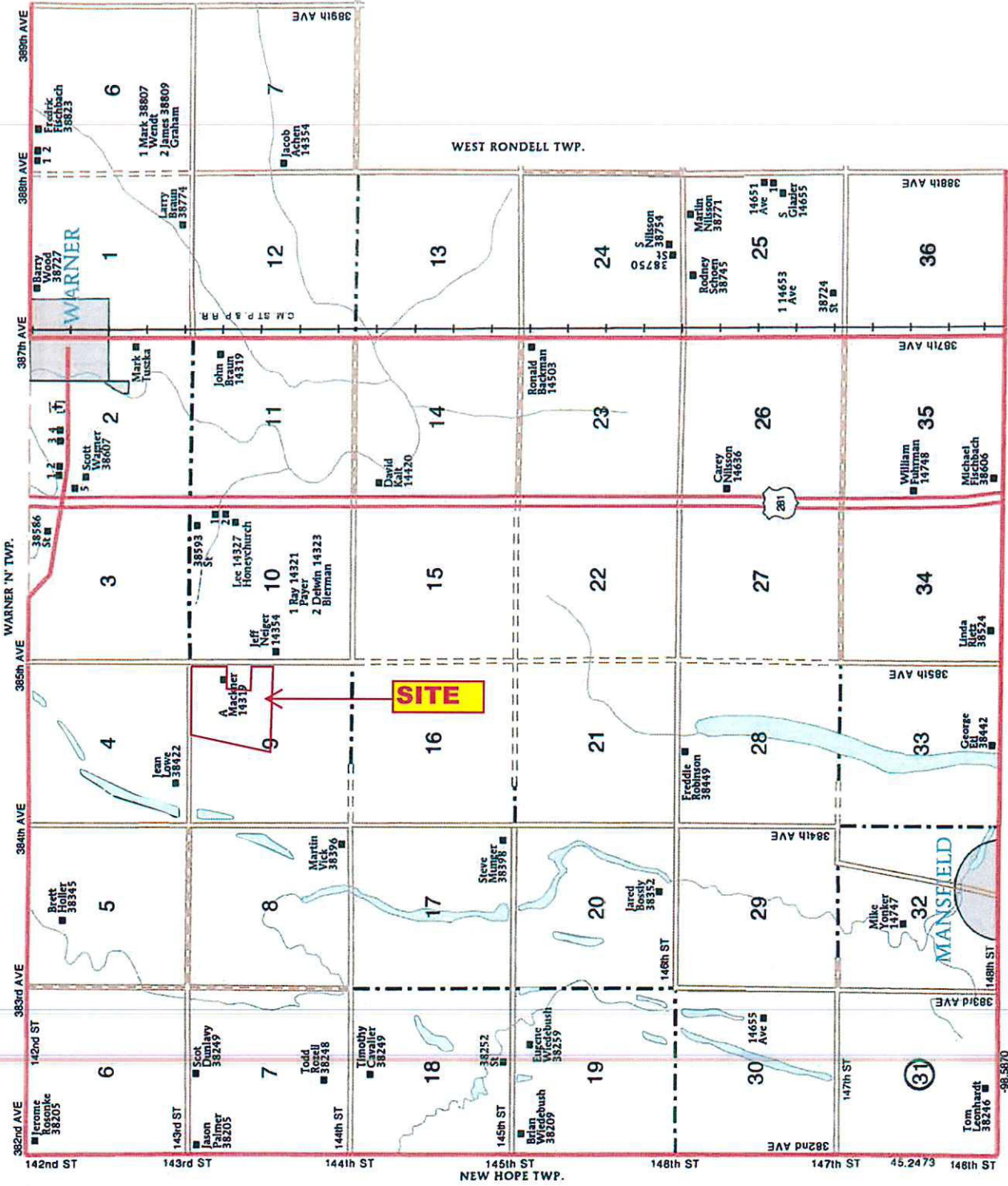
By: _____ Date: _____

HEARING DATE: March 19, 2024 TIME: 7:00pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

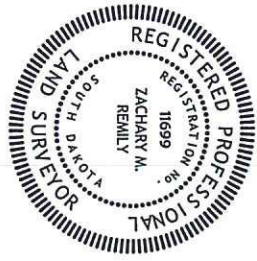
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



- WARNER 'S' TOWNSHIP**
SECTION 12
 1 Christenson, Audrey 38614
 2 Roberts, Dan 38616
 3 Hoglund, Kaden 38626
 4 Buechler, Jerold 38632
 5 Green, Tom 38605

MUNGER-MACKNER ADDITION

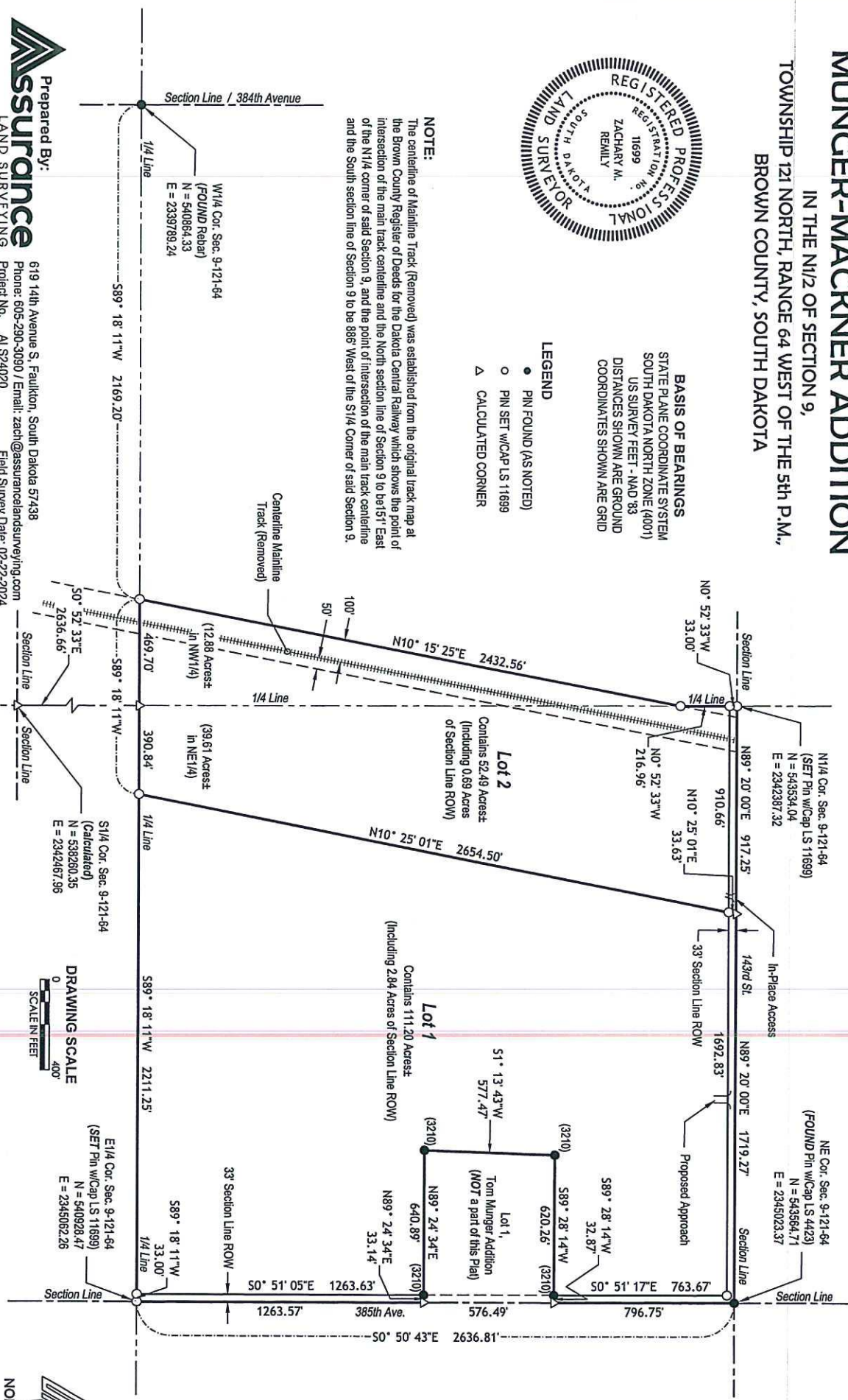
PLAT SHOWING
 IN THE N1/2 OF SECTION 9,
 TOWNSHIP 121 NORTH, RANGE 64 WEST OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA



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

NOTE:
 The centerline of Mainline Track (Removed) was established from the original track map at the Brown County Register of Deeds for the Dakota Central Railway which shows the point of intersection of the main track centerline and the North section line of Section 9 to be 51' East of the N1/4 corner of said Section 9, and the point of intersection of the main track centerline and the South section line of Section 9 to be 886' West of the S1/4 Corner of said Section 9.



Prepared By:
Assurance
 LAND SURVEYING

619 14th Avenue S, Faulkton, South Dakota 57438
 Phone: 605-290-3090 / Email: zach@assurancesurveying.com
 Project No. ALS24020
 Field Survey Date: 02-22-2024



PLAT SHOWING
MUNGER-MACKNER ADDITION

IN THE N1/2 OF SECTION 9,
TOWNSHIP 121 NORTH, RANGE 64 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, Thomas O. Munger, Trustee of the Thomas O. Munger Revocable Trust dated March 23, 2004, do hereby certify that the Trust is the owner of an undivided one-half interest in the Northeast Quarter (NE1/4) of Section Nine (9) [EXCEPT Lot 1, Tom Munger Addition] AND a strip of land 150 feet in width extending over and across the North Half (N1/2) of Section Nine (9), Township One Hundred Twenty-One (121) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota; said strip of land being 100 feet in width on the Westerly side, and 50 feet in width on the Easterly side of the center line of the main track (now removed) of the Dakota Central Railway Company (now the Chicago and North Western Transportation Company), as said main track center line was originally located and established over and across said North Half (N1/2) of Section Nine (9); all in Township One Hundred Twenty-One (121) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that I, as Trustee, 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:

**"MUNGER-MACKNER ADDITION IN THE N1/2 OF SECTION 9,
TOWNSHIP 121 NORTH, RANGE 64 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: **Thomas O. Munger Revocable Trust dated March 23, 2004**

Thomas O. Munger, Trustee

Signed this _____ day of _____, 20_____.

COUNTY OF _____)
) SS
STATE OF _____)

On this the _____ day of _____, 20_____, before me, _____, the undersigned officer, personally appeared **Thomas O. Munger, Trustee of the Thomas O. Munger Revocable Trust dated March 23, 2004**, 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: _____
Notary Public

OWNER'S CERTIFICATE

I, Michelle J. Munger, Trustee of the Michelle J. Munger Revocable Trust dated March 23, 2004, do hereby certify that the Trust is the owner of an undivided one-half interest in the Northeast Quarter (NE1/4) of Section Nine (9) [EXCEPT Lot 1, Tom Munger Addition], AND a strip of land 150 feet in width extending over and across the North Half (N1/2) of Section Nine (9), Township One Hundred Twenty-One (121) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota; said strip of land being 100 feet in width on the Westerly side, and 50 feet in width on the Easterly side of the center line of the main track (now removed) of the Dakota Central Railway Company (now the Chicago and North Western Transportation Company), as said main track center line was originally located and established over and across said North Half (N1/2) of Section Nine (9); all in Township One Hundred Twenty-One (121) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that I, as Trustee, 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:

**"MUNGER-MACKNER ADDITION IN THE N1/2 OF SECTION 9,
TOWNSHIP 121 NORTH, RANGE 64 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: **Michelle J. Munger Revocable Trust dated March 23, 2004**

Michelle J. Munger, Trustee

Signed this _____ day of _____, 20_____.

COUNTY OF _____)
) SS
STATE OF _____)

On this the _____ day of _____, 20_____, before me, _____, the undersigned officer, personally appeared **Michelle J. Munger, Trustee of the Michelle J. Munger Revocable Trust dated March 23, 2004**, 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: _____
Notary Public



PLAT SHOWING
MUNGER-MACKNER ADDITION

IN THE N1/2 OF SECTION 9,
TOWNSHIP 121 NORTH, RANGE 64 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

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 owners, I have surveyed and platted:

**"MUNGER-MACKNER ADDITION IN THE N1/2 OF SECTION 9,
TOWNSHIP 121 NORTH, RANGE 64 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_____.

TOWNSHIP HIGHWAY APPROVAL

"Proposed Access to 143rd STREET 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_____.

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

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:

**"MUNGER-MACKNER ADDITION IN THE N1/2 OF SECTION 9,
TOWNSHIP 121 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 11-6, 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:

**"MUNGER-MACKNER ADDITION IN THE N1/2 OF SECTION 9,
TOWNSHIP 121 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."

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

February 26, 2024

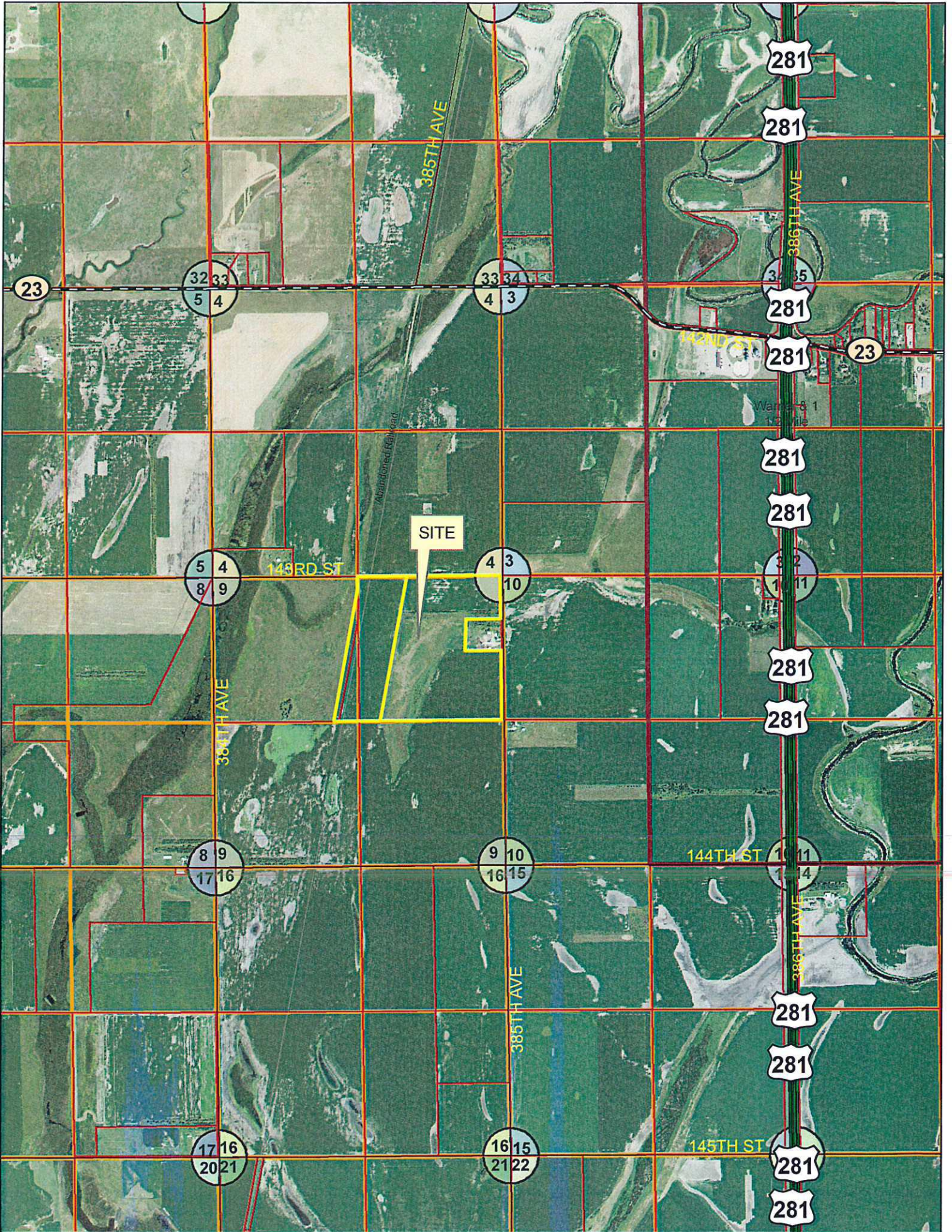
To Whom It May Concern:

The Warner Township approves of the projected approach for the Mackner Addition. The approach is to be built at the owner's expense.



Jared Bossly

Warner Township Chair



SITE

385TH AVE

386TH AVE

384TH AVE

385TH AVE

386TH AVE

143RD ST

144TH ST

145TH ST

281

281

281

281

281

281

281

281

281

281

281

281

281

281

281

281

23

23

32 33
5 4

33 34
4 3

34 35
4 3

5 4
8 9

4 3
10

3 2
10 11

8 9
17 16

9 10
16 15

10 11
14

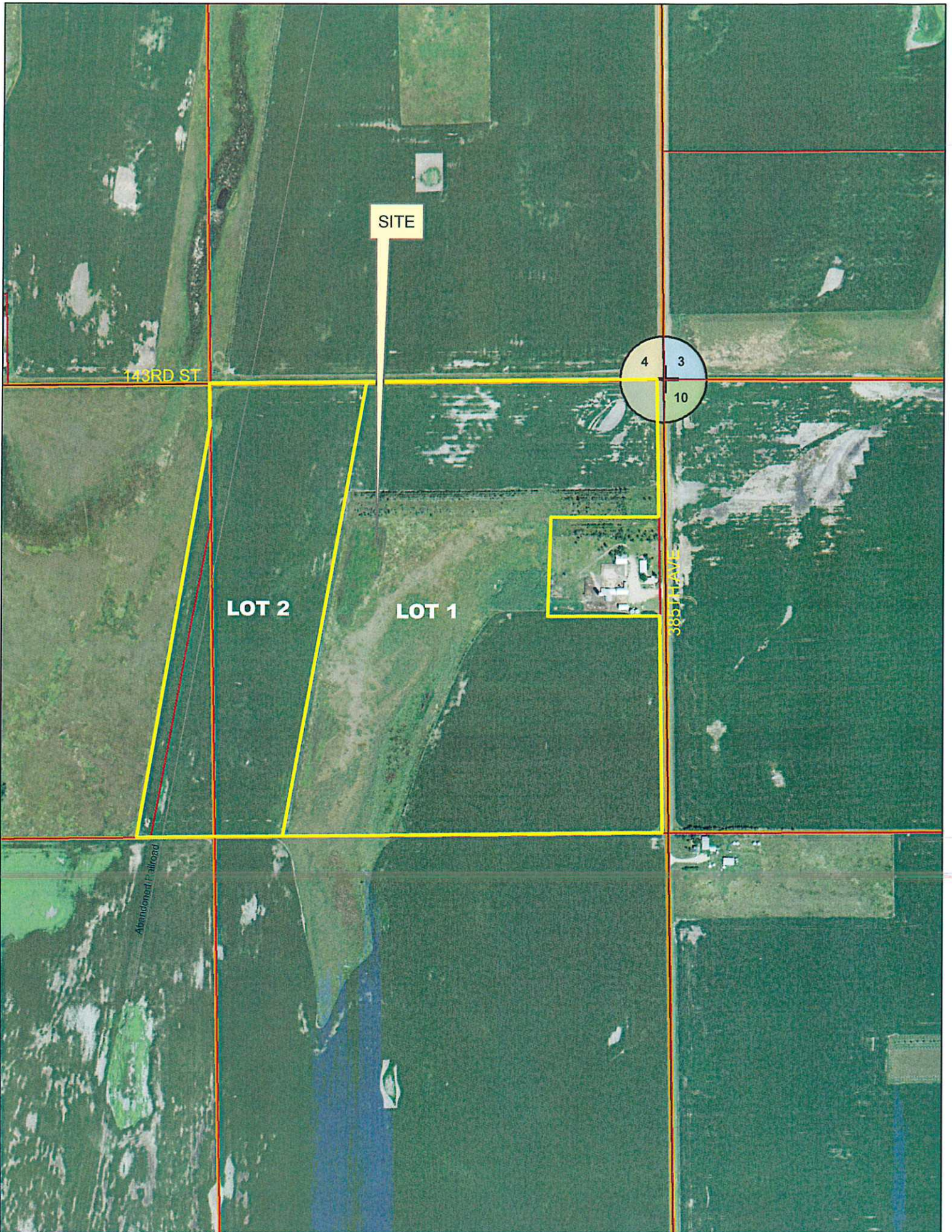
17 16
20 21

16 15
21 22

10 11
14

Wanna & 1
N 20 Ave

Abandoned Right of Way



SITE

143RD ST

LOT 2

LOT 1

4

3

10

365TH AVE

Abandoned Railroad