

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY NOVEMBER 21, 2023 - 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, Dale Kurth, Pat Keatts, and Stan Beckler Chairman. Paul Johnson was also in attendance in the audience.
- III. **Agenda:** After discussion, North moved and Keatts seconded to approve this November 21, 2023, Planning/Zoning Commission Agenda. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Kurth moved and Weisenburger seconded to approve the October 17, 2023, 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 Building Setbacks** in a Residential District (R-1) described as Lot 8 of Lots 5-8, “Clem Lindgren’s Countryaire Estates” in the NW1/4 of Section 11-T123N-R64W of the 5th P.M., Brown County, South Dakota (2330 Countryaire Estates; Aberdeen Twp). Submitted by Cindy Scherer for Robert Retzer. Cindy Scherer was in attendance for this item. Following discussion Kurth moved, and Keatts seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion Kurth moved, and Keatts seconded to **approve a Variance to Building Setbacks** to allow a minimum of five (5) feet from east property line rather than a minimum of seven (7) feet required, all members voting aye, motion carried.
 - 2) **Variance to Approach Separation** in an Agriculture Preservation District (AG-P) described as Lot 2, “Schroeder Addition” in the SW1/4 of Section 27-T128N-R61W of the 5th P.M., Brown County, South Dakota (10451 Railroad Road; Hecla Twp). Submitted by Brent Schroeder. No one was in attendance for this item. Following discussion, Meyers moved, Weisenburger seconded to **approve the Findings of Facts (FoF)**, as presented. Also following discussion, Meyers moved, Weisenburger seconded to **approve a Variance to Approach Separation** to

allow two approach accesses to be 370' separation distance rather than a minimum of 500' required, all members voting aye, motion carried.

- 3) **Variance to Building Setbacks** in an Agriculture Preservation District (AG-P) described as the SE1/4 of Section 20-T127N-R63W of the 5th P.M., Brown County, South Dakota (10997 390th Avenue; Richland Twp). Submitted by Warren Sumption. Warren Sumption and John Sumption were in attendance for this item. Following discussion, Gage moved, North seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Gage moved, North seconded to **approve a Variance to Building Setbacks** to allow a weigh scale structure and concrete to be a minimum of fifty (50) feet from east right-of-way line rather than one hundred (100) feet minimum required, all members voting aye, motion carried.
- 4) **Variance to Building Setbacks** in an Agriculture Preservation District (AG-P) described as the SW1/4 of Section 11-T127N-R63W of the 5th P.M., Brown County, South Dakota (39230 108th Street; Richland Twp). Submitted by Jim Sumption. No one was in attendance for this item. Following discussion, Kurth moved, Keatts seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Kurth moved, Keatts seconded to **approve a Variance to Building Setbacks** to allow sixty (60) feet from the south front yard right-of-way line rather than a minimum of one hundred (100) feet required for a 40' x 60' unfinished garage that was already built without a permit, all members voting aye, motion carried.
- 5) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as *proposed* Lot 1 and Lot 2, "John and Kathleen Andersen Addition" in the NW1/4 of Section 14-T123N-R63W of the 5th P.M., Brown County, South Dakota (210 & 220 392nd Avenue N; Bath Twp). Submitted by Austin Stage A+ Realty. No one was in attendance for this item. Following discussion, Keatts moved, North seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Keatts moved, and North seconded to **approve a Variance for Lot Size** to allow Lot 1 (25.0 acres) and Lot 2 (18.05 acres) to both be smaller than 40.0 acres and stay zoned as AG-P District. When both lots are purchased and paid in full, the owner plans to plat both lots back into one 43.0 acre lot for AG-P District requirements, all members voting aye, motion carried.

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

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- I. **Old Business:** Discussion on Amendments to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 on Administrative Rules and Enforcement are still Tabled until further notice, by Ross Aldentaler, Deputy States Attorney.

II. New Business: Planning Commission

- 10) Rezone Petition** for properties described as *proposed* Lot 1 and Lot 2, “Don and Darlene Schumacher Addition” in the SW1/4 of Section 17-T123N-R64W of the 5th P.M., Brown County, South Dakota (38314 133rd Street; Aberdeen Twp) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Lot 1 (3.03± acres) and Lot 2 (26.07± acres). Submitted by Don & Darlene Schumacher. No one was in attendance for this item. Following discussion, North moved, Weisenburger seconded to ***recommend approval of the Rezone Petition*** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 11) Rezone Petition** for a property described as Sutherland’s OL 1 in “Sutherland’s Outlot 1” in the NW1/4 of Section 25-T123N-R65W of the 5th P.M., Brown County, South Dakota (13424 379th Avenue; Mercier Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Sutherland’s OL 1 (24.11± acres of which 0.60 acres is R-O-W). Submitted by Nicholas Huber & Brianna Hellwig. No one was in attendance for this item. Following discussion, Weisenburger moved, Keatts seconded to ***recommend approval of the Rezone Petition*** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 12) Rezone Petition** for a property described as *proposed* Lot 1, “Monroe Addition” in the SW1/4 of Section 2-T128N-R65W of the 5th P.M., Brown County, South Dakota (37824 101st Street; Palmyra Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Lot 1 (3.51± acres of which 0.32 acres is R-O-W). Submitted by Nicholas Huber & Brianna Hellwig. No one was in attendance for this item. Following discussion, Weisenburger moved, Keatts seconded to ***recommend approval of the Rezone Petition*** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 13) Preliminary & Final Plat** for conveyance purposes on properties described as “Hendrick Second Addition” in the SE1/4 of Section 26-T124N-R64W of the 5th P.M., Brown County, South Dakota (12875, 12881 & 12885 387th Avenue; Lincoln Twp). Submitted by Andrew Hendrickson. No one was in attendance for this item. Following discussion, Keatts moved, North seconded to ***recommend approval of Preliminary & Final Plat*** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 14) Preliminary & Final Plat** for conveyance purposes on properties described as “Anderson First Addition to Mansfield” in the SE1/4 of Section 32-T121N-R64W of the 5th P.M., Brown County, South Dakota (72 & 76 N 2nd Street; 198 E North Street; Warner Twp). Submitted by Randy Anderson. No one was in attendance for this item. Following discussion, Gage moved, Weisenburger seconded to ***recommend approval of Preliminary & Final Plat*** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 15) Preliminary & Final Plat** for conveyance purposes on properties described as “Don and Darlene Schumacher Addition” in the SW1/4 of Section 17-T123N-R64W of the 5th P.M., Brown County, South Dakota (38314 133rd Street; Aberdeen Twp). Submitted by Don & Darlene Schumacher. No one was in attendance for this item. Following discussion, Weisenburger moved, Keatts seconded to ***recommend approval of Preliminary & Final Plat*** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 16) Preliminary & Final Plat** for financial purposes on a property described as “Chris and Sara Allen First Richmond Lake Subdivision” in the NW1/4 of Section 23-T124N-R64W of the 5th P.M., Brown County, South Dakota (37843 Richmond Drive; Ravinia Twp). Submitted by Chris

& Sara Allen. No one was in attendance for this item. Following discussion, Kurth moved, North seconded to ***recommend approval of Preliminary & Final Plat*** to the Board of Brown County Commissioners, all members voting aye, motion carried.

17) Preliminary & Final Plat for conveyance purposes on a property described as “Groton Substation Third Addition” in the SW1/4 of Section 18-T122N-R60W of the 5th P.M., Brown County, South Dakota (13880 406th Avenue; East Hanson Twp). Submitted by Western Area Power Administration (WAPA). No one was in attendance for this item. Following discussion, North moved, Weisenburger seconded to ***recommend approval of Preliminary & Final Plat*** to the Board of Brown County Commissioners, all members voting aye, motion carried.

18) Preliminary & Final Plat for conveyance purposes on a property described as “Monroe Addition” in the SW1/4 of Section 2-T128N-R65W of the 5th P.M., Brown County, South Dakota (37824 101st Street; Palmyra Twp). Submitted by Thomas Monroe. No one was in attendance for this item. Following discussion, Keatts moved, Meyers seconded to ***recommend approval of Preliminary & Final Plat*** to the Board of Brown County Commissioners, all members voting aye, motion carried.

19) Preliminary & Final Plat for conveyance purposes on properties described as “John and Kathleen Andersen Addition” in the NW1/4 of Section 14-T123N-R63W of the 5th P.M., Brown County, South Dakota (210 & 220 392nd Avenue; Bath Twp). Submitted by Austin Stage A+ Realty. Austin Stage A+ Realty was in attendance for this item. Following discussion, Weisenburger moved, North seconded to ***recommend approval of Preliminary & Final Plat*** to the Board of Brown County Commissioners, all members voting aye, motion carried.

20) Preliminary & Final Plat for financial purposes on a property described as “B.J. Outlot” in the NE1/4 of Section 26-T123N-R64W of the 5th P.M., Brown County, South Dakota (615 W Melgaard Road & 2018 S 5th Street; Aberdeen Twp). Submitted by Bob Jacobs. No one was in attendance for this item. Following discussion, Keatts moved, Meyers seconded to ***recommend approval of 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, Keatts moved and Gage seconded to adjourn the meeting, all members voting aye, motion carried.

Submitted by: Planning/Zoning Director Scott Bader.