

# MINUTES

## REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY DECEMBER 19, 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, Keatts moved and Gage seconded to approve this December 19, 2023, Planning/Zoning Commission Agenda. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, North moved and Keatts seconded to approve the November 21, 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 for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "J and J Brotzel Addition" in Government Lot 1 in the NW1/4 of Section 7-T126N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11312 373<sup>rd</sup> Avenue; Franklyn Twp). Submitted by John and Karen Brotzel. No one was in attendance for this item. Following discussion, Meyers moved, North seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Meyers moved, and North seconded to **approve a Variance for Lot Size** to allow Lot 1 (3.51 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P), all members voting aye, motion carried.
  - 2) **Appeal to Ordinance** in a Mini-Agriculture District (M-AG) described as Lot 2, "Brock Fischer First Richmond Lake Addition" in the NE1/4 of Section 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (127277 West Shore Drive; Ravinia Twp). Submitted by Alvin and Nancy Haugen. Alvin and Nancy Haugen were in attendance for this item. Following discussion, North moved, Meyers seconded to **deny the appeal of Mini-Agriculture District (M-AG) Ordinance**. The board also added the

stipulation that this property be rezoned to Lake Front Residential District (R-3), all members voting aye, motion carried.

- 3) **Variance to Building Setbacks** in a Mini-Agriculture District (M-AG) described as Lot 2, "Brock Fischer First Richmond Lake Addition in the NE1/4 of Section 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (127277 West Shore Drive; Ravinia Twp). Submitted by Alvin and Nancy Haugen. Alvin and Nancy Haugen were in attendance for this item. After discussion, Meyers moved and Kurtz seconded to **approve the Finding of Facts (FoF)**. Also following discussion, Meyers moved, Kurtz seconded to allow a 75' variance with the stipulation that this property be rezoned to Lake Front Residential District (R-3), all members voting aye, motion carried.
- 4) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "Truebenbach Addition" in the SE1/4 of Section 2-T127N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10653 399<sup>th</sup> Avenue; Greenfield Twp). Submitted by Kimberly Dorsett for owner Cole Truebenbach. No one was in attendance for this item. Following discussion, North moved, Gage seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, North moved, and Gage seconded to **approve a Variance for Lot Size** to allow Lot 1 (2.50 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P), all members voting aye, motion carried.
- 5) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "Edward Hofer First Addition" in the S1/2 of Section 6-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39448 131<sup>st</sup> Street; Bath Twp). Submitted by Edward Hofer. No one was in attendance for this item. Following discussion, Gege moved, Kurth seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Gage moved, and Kurth seconded to **approve a Variance for Lot Size** to allow Lot 1 (9.37 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P), all members voting aye, motion carried.
- 6) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "D. Feickert Addition" in the NW1/4 of Section 21-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12748 384<sup>th</sup> Avenue; Lincoln Twp). Submitted by Dennis Feickert for owners Kenneth and Carol Miller. Dennis Feickert was in attendance for this item. Following discussion, Kurth moved, Weisenburger seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Kurth moved, and Weisenburger seconded to **approve a Variance for Lot Size** to allow Lot 1 (3.00 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P), all members voting aye, motion carried.

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TUESDAY, DECEMBER 19, 2023 - 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:** Planning Commission

**10) Rezone Petition** for a property described as Lot 1, “Wulff First Subdivision” in the SE1/4 of Section 7-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13159 395<sup>th</sup> Avenue; Bath Twp) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Lot 1 (25.20+ acres). Submitted by William Wulff. Dennis Jones, June Thompson, Todd & Connie Wright were in attendance for this item. Following discussion, Kurtz moved, North seconded to **recommend approval of the Rezone Petition** 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 “J and J Brotzel Addition” in Government Lot 1 in the NW1/4 of Section 7-T126N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11312 373<sup>rd</sup> Avenue; Franklyn Twp). Submitted by John & Karen Brotzel. No one was in attendance for this item. Following discussion, Meyers moved, Weisenburger seconded to **recommend approval of Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

**12) Preliminary & Final Plat** for conveyance purposes on a property described as “Trueebenbach Addition” in the SE1/4 of Section 2-T127N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10653 399<sup>th</sup> Avenue; Greenfield Twp). Submitted by Kimberly Dorsett for owner Cole Trueebenbach. No one was in attendance for this item. Following discussion, North moved, Gage seconded to **recommend approval of Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

**13) Preliminary & Final Plat** for conveyance purposes on a property described as “Edward Hofer First Addition” in the S1/2 of Section 6-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39448 131<sup>st</sup> Street; Bath Twp). Submitted by Edward Hofer. No one was in attendance for this item. Following discussion, Meyers moved, Gage 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 a property described as “D. Feickert Addition” in the NW1/4 of Section 21-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South

Dakota (12748 384<sup>th</sup> Avenue; Lincoln Twp). Submitted by Dennis Feickert for owners Kenneth and Carol Miller. Dennis Feickert was in attendance for this item. Following discussion, Meyers moved, Gage 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, Kurth moved and Keatts seconded to adjourn the meeting, all members voting aye, motion carried.

Submitted by: Planning/Zoning Director Scott Bader.