

# AGENDA

## BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, DECEMBER 19, 2023 – 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 December 19, 2023, Agenda:** Motion: 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_
- IV. **Approval of November 21, 2023, Minutes:** Motion: 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_

## 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. **Variance for Lot Size** in an Agriculture Preservation District (AG-P) for a lot to be 3.51 acres rather than the required 40.0 acres at 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.).
  2. **Appeal to Ordinance** in a Mini-Agriculture District (M-AG) for a new storage building without the required residential living space at 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.).
  3. **Variance to Building Setbacks** in a Mini-Agriculture District (M-AG) for a new 36' x 56' cold storage building to have a 50'-0" front yard setback rather than the 100'-0" required at 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.).

4. **Variance for Lot Size** in an Agriculture Preservation District (AG-P) for a lot to be 2.50 acres rather than the required 40.0 acres at 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.).
5. **Variance for Lot Size** in an Agriculture Preservation District (AG-P) for a lot to be 9.37 acres rather than the required 40.0 acres at 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.).
6. **Variance for Lot Size** in an Agriculture Preservation District (AG-P) for a lot to be 3.00 acres rather than the required 40.0 acres at 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.).

**VII. Other Business:**

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

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# AGENDA

## BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, DECEMBER 19, 2023 – 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 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 25.20± acres.
  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.).
  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.).
  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.).
  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.).
- III. Other Business: *Executive Session if requested.*
- IV. Motion to Adjourn: 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_

# 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 5<sup>th</sup> P.M., Brown County, South Dakota (2330 Countyaire 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 5<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (10997 390<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (39230 108<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (210 & 220 392<sup>nd</sup> 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.

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

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# ***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. **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 5<sup>th</sup> P.M., Brown County, South Dakota (38314 133<sup>rd</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (13424 379<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (37824 101<sup>st</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (12875, 12881 & 12885 387<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (72 & 76 N 2<sup>nd</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (38314 133<sup>rd</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (13880 406<sup>th</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (37824 101<sup>st</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (210 & 220 392<sup>nd</sup> 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 5<sup>th</sup> P.M., Brown County, South Dakota (615 W Melgaard Road & 2018 S 5<sup>th</sup> 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.

# STAFF REPORT

Meeting: December 19, 2023

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## **BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)**

**VARIANCE FOR LOT SIZE IN AG-P**

**ITEM #01**

*(Agriculture Preservation District (AG-P))*

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### **GENERAL INFORMATION:**

OWNER: John & Karen Brotzel

PETITIONER: John & Karen Brotzel

REQUEST: **VARIANCE FOR LOT SIZE IN AN  
AGRICULTURE PRESERVATION DISTRICT (AG-P)**

LEGAL DESCRIPTION: 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

ADDRESS: 11312 373<sup>rd</sup> Avenue

CITY/TOWNSHIP: Franklyn Twp

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North: Agriculture Preservation District (AG-P)

South: Agriculture Preservation District (AG-P)

West: McPherson County

East: Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: WEB Water

REPORTED BY: Ron Keller

**GENERAL COMMENT:** The petitioner is requesting a Variance to 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) per Chapter 4.0605 of Brown County Ordinances.

**GENERAL REVIEW:** Staff has reviewed this request.



# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: November 15, 2023 FEES: \$125.00  
RECEIPT # 821832 PAID: YES/NO CHK/CASH  
TOWNSHIP: Franklyn Twp DATE: 11/15/2023

OWNERS SIGNATURE: John & Karen Brotzel *Karen A Brotzel*  
OWNERS ADDRESS: 204 6th Street  
OWNERS CITY, STATE, ZIP: Frederick, SD 57441  
OWNERS PHONE: 605-377-3137 (Karen)

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

**REQUEST:** Variance to 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) per Chapter 4.0605 of Zoning Ordinances

**LEGAL DESCRIPTION:** Proposed Lot 1, "J and J Brotzel Addition" in Government Lot 1 in the NW1/4 of Section 7-T126N-R65W of the 5th P.M., Brown County, South Dakota (11312 373rd Avenue; Franklyn Twp)

**Planning Commission Action:** Approved / Denied \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

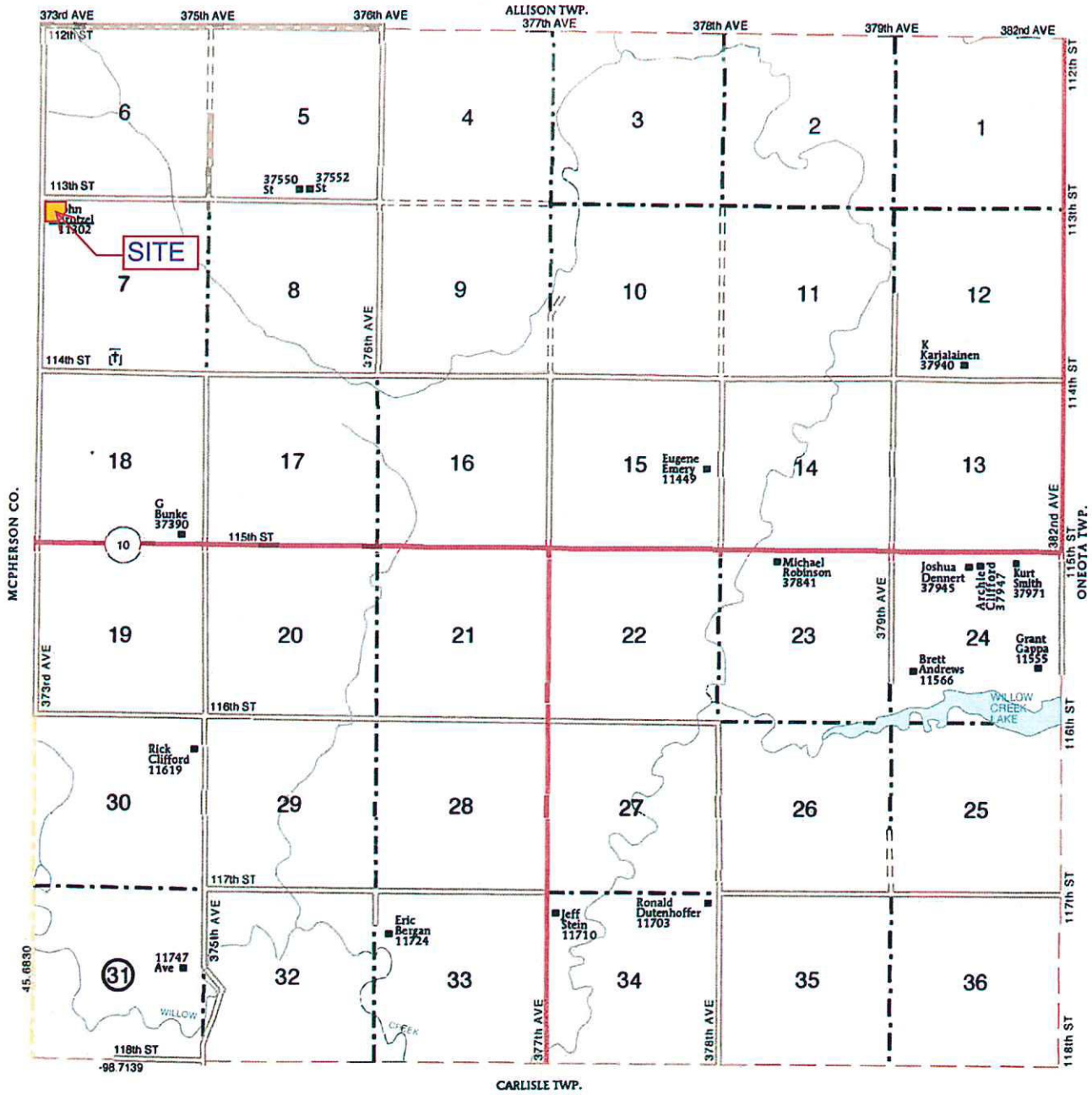
**HEARING DATE:** December 19, 2023 **TIME:** 7:00 pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

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

(Residents - Owners or Renters)



## NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex Basement Community Room, on December 19, 2023, at 7:00 P.M.

Petitioner / Owner: John & Karen Brotzel

Description of property: Proposed Lot 1, "J and J Brotzel Addition" 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 Township).

Reason: Variance to Lot Size to allow Lot 1 (3.51 acres) to be smaller than a minimum 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 6th day of December 2023.

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 \_\_\_\_\_.

# (Brotzel)

## VARIANCE FINDINGS WORKSHEET

### **Prong One**

*Whether granting the variance runs counter to the public interest?*

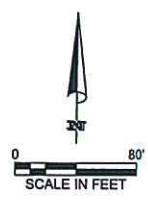
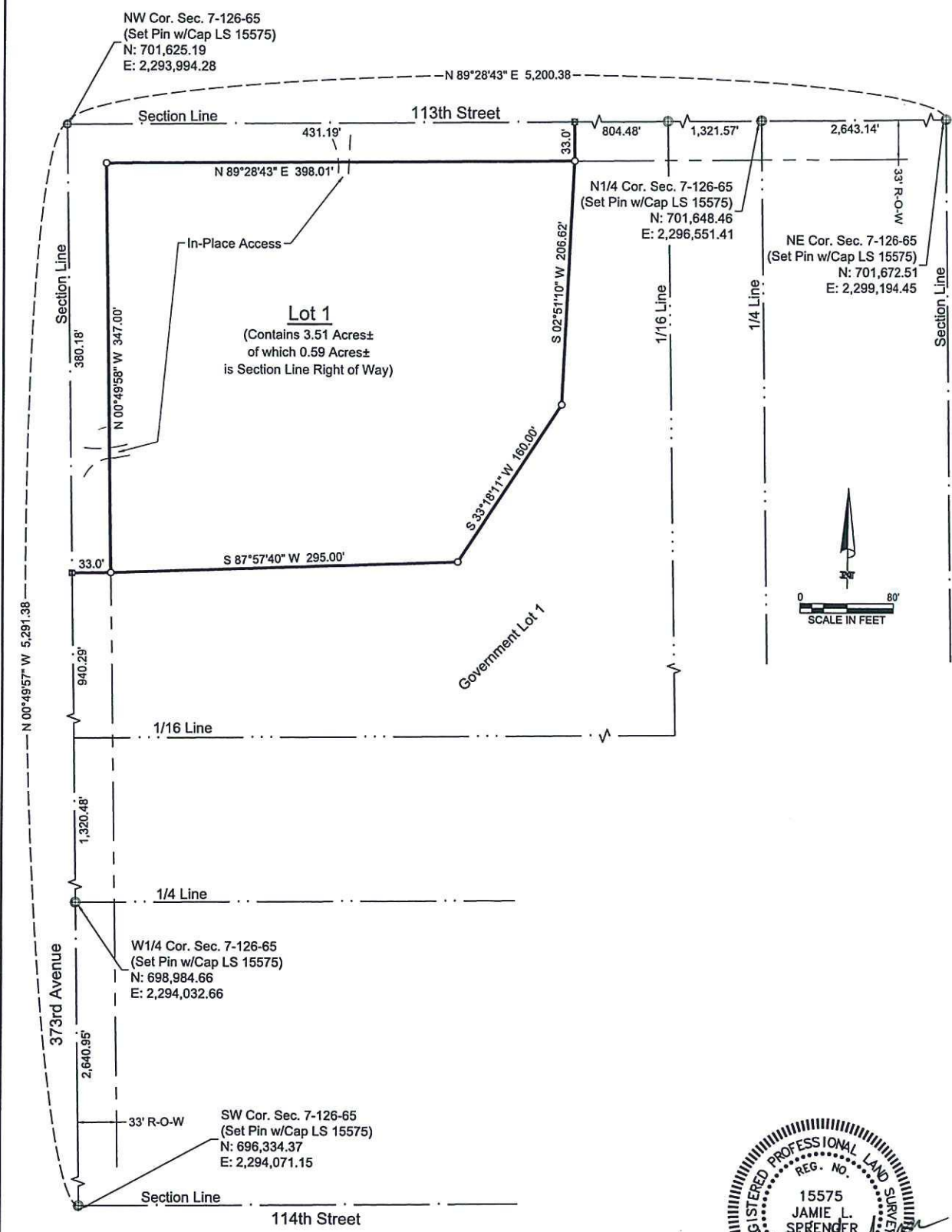
Consider the entire public— <i>not</i> just the neighbors	Findings		
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

### **Prong Two**

*Whether special conditions exist to grant a variance?*

Physical conditions— <i>not</i> money or econ hardship	Findings		
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property?  *Explicitly state the condition on the property that is a special condition if one exists. *It <b>must</b> be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship?  *That does <b>not</b> mean money, econ hardship, or allowing a use that's prohibited ( <i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

PLAT SHOWING  
**J AND J BROTZEL ADDITION**  
 IN GOVERNMENT LOT 1 IN THE NW1/4 OF SECTION 7,  
 TOWNSHIP 126 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
 BROWN COUNTY, SOUTH DAKOTA



**IMEG**  
 3314 Milwaukee Avenue NE  
 Suite 2  
 Aberdeen, SD 57401  
 PH: 605.225.3494  
 www.imegcorp.com

- LEGEND**
- PIN FOUND (AS NOTED)
  - PIN SET w/CAP LS 15575
  - ⊠ CALCULATED CORNER

**BASIS OF BEARINGS**  
 State Plane Grid  
 South Dakota North Zone (4001)  
 NAD '83 (2011) US Survey Feet  
 Distances are GROUND  
 Coordinates are GRID



PLAT SHOWING  
**J AND J BROTZEL ADDITION**  
 IN GOVERNMENT LOT 1 IN THE NW1/4 OF SECTION 7,  
 TOWNSHIP 126 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
 BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE**

We, John J. Brotzel and Karen A. Brotzel, husband and wife, do hereby certify that we are the owners of Government Lots 1 and 2 and the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section Seven (7), Township One Hundred Twenty-Six (126) North, Range Sixty-Five (65) 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 "J AND J BROTZEL ADDITION IN GOVERNMENT LOT 1 IN THE NW1/4 OF SECTION 7, TOWNSHIP 126 NORTH, RANGE 65 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: John J. Brotzel

John J. Brotzel  
 Signature

Signed this 9th day of November, 2023.

COUNTY OF BROWN )  
 ) SS  
 STATE OF SOUTH DAKOTA )

On this the 9th day of NOVEMBER, 2023, before me, the undersigned officer, personally appeared John J. Brotzel, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027

Notary Public

Owner: Karen A. Brotzel

Karen A. Brotzel  
 Signature

Signed this 9th day of November, 2023.

COUNTY OF BROWN )  
 ) SS  
 STATE OF SOUTH DAKOTA )

On this the 9th day of NOVEMBER, 2023, before me, the undersigned officer, personally appeared Karen A. Brotzel, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027

Notary Public

**SURVEYOR'S CERTIFICATE**

I, Jamie L. Sprenger, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted "J AND J BROTZEL ADDITION IN GOVERNMENT LOT 1 IN THE NW1/4 OF SECTION 7, TOWNSHIP 126 NORTH, RANGE 65 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.

Signed this 8th day of NOVEMBER, 2023.

**HIGHWAY APPROVAL**

The location of the in-place access roads, is hereby approved. Any change in the in-place access shall require addition approval.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Print Name and Title

Signature

**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, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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 "J AND J BROTZEL ADDITION IN GOVERNMENT LOT 1 IN THE NW1/4 OF SECTION 7, TOWNSHIP 126 NORTH, RANGE 65 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, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "J AND J BROTZEL ADDITION IN GOVERNMENT LOT 1 IN THE NW1/4 OF SECTION 7, TOWNSHIP 126 NORTH, RANGE 65 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."

**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 record of my office to be fully paid.

Signed this 9th day of November, 2023.

Tracy Engerich, Dep  
 County Treasurer, Brown County, South Dakota

**DIRECTOR OF EQUALIZATION CERTIFICATE**

I hereby certify that I have received a copy of this plat this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Director of Equalization, Brown County, South Dakota

**REGISTER OF DEEDS' CERTIFICATE**

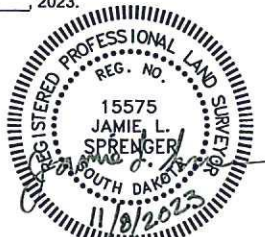
Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 2023, at

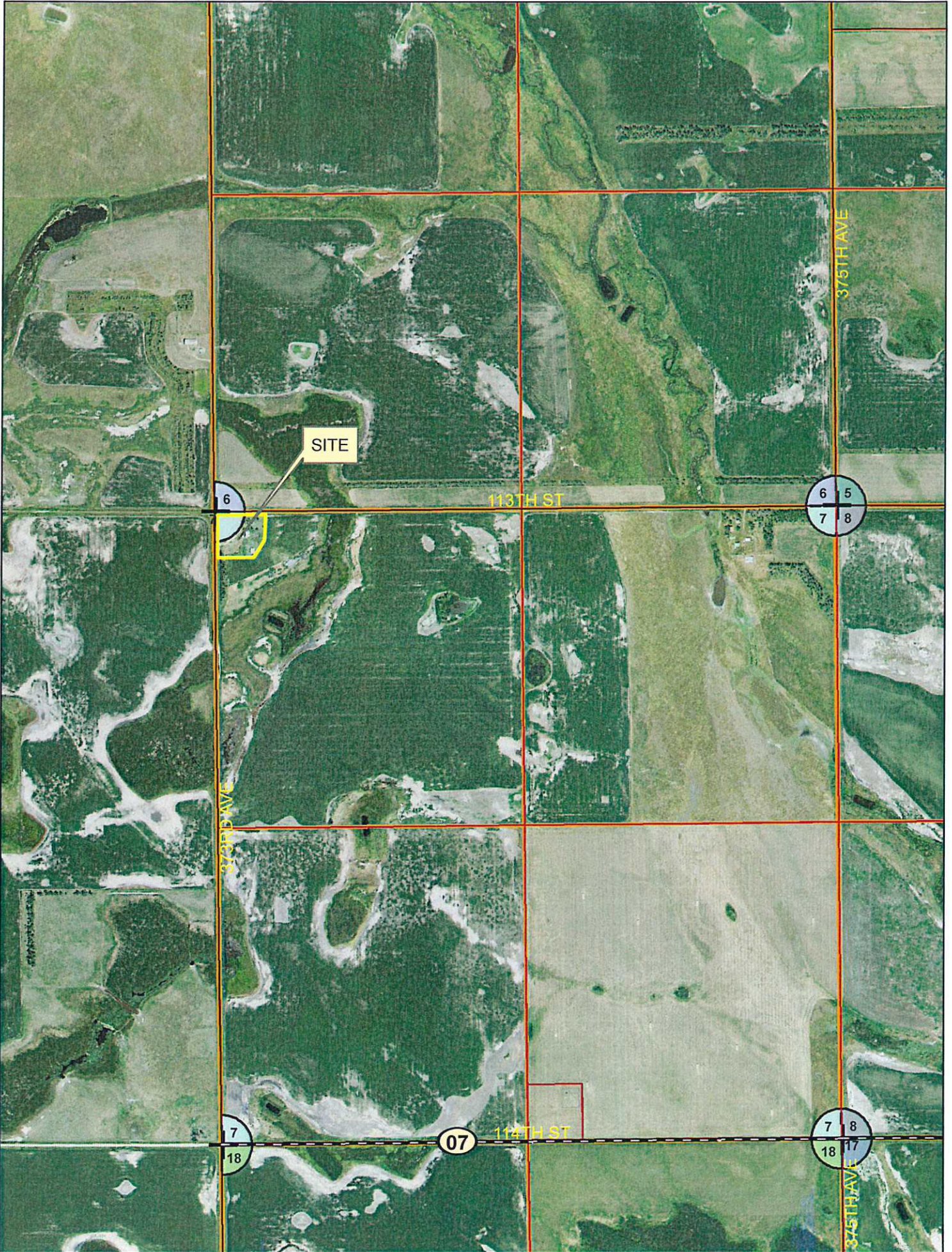
\_\_\_\_\_ O'clock \_\_\_\_\_ M., and duly recorded as Hanging Plat No. \_\_\_\_\_.

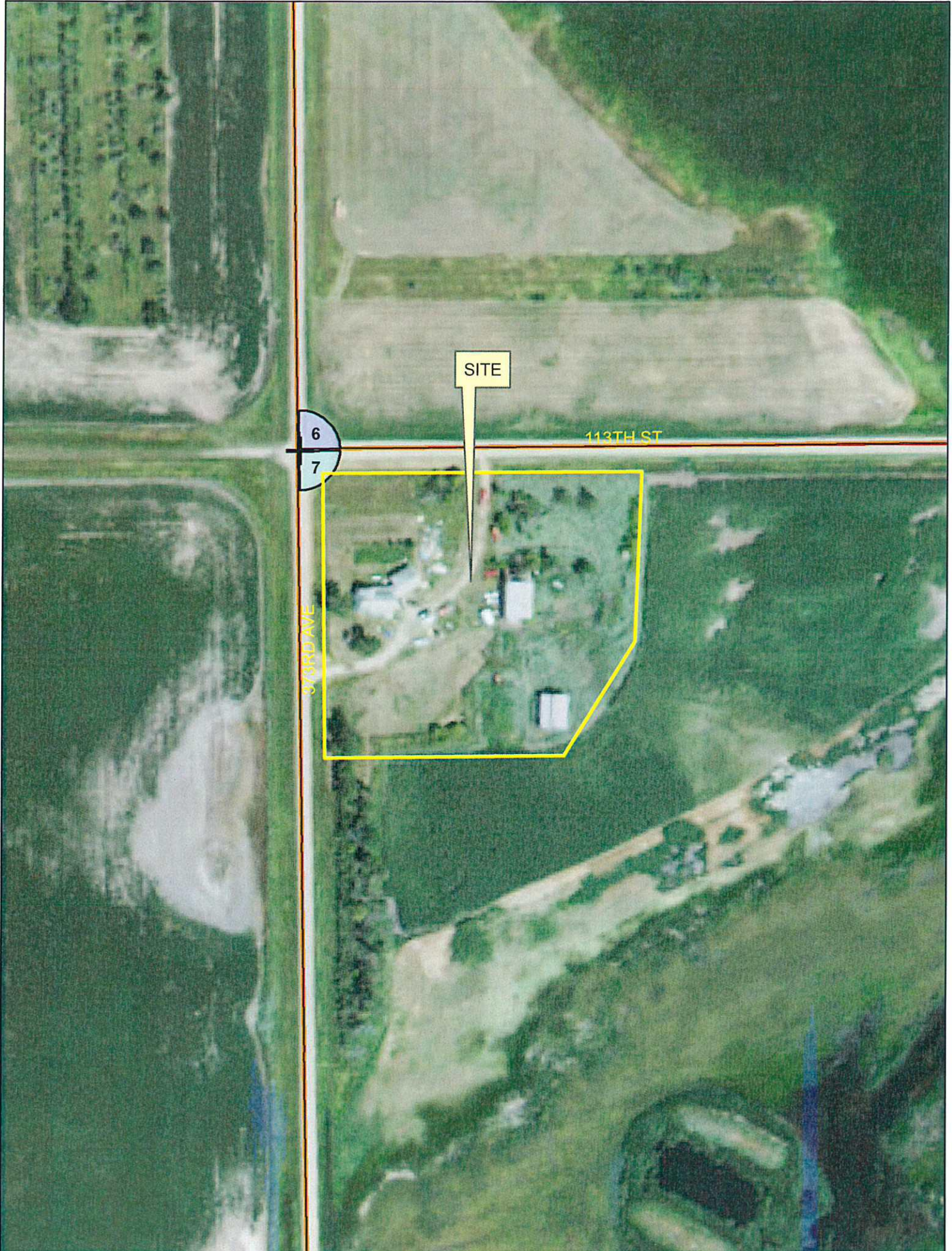
Register of Deeds, Brown County, South Dakota



3314 Milwaukee Avenue NE  
 Suite 2  
 Aberdeen, SD 57401  
 PH: 605.225.3494  
 www.imegcorp.com







SITE

113TH ST

SWORD AVE

6

7



**John & Karen Brotzel**

204 6<sup>th</sup> Street  
Frederick, SD 57441

**Franklyn Township**

Attn: Grant Gappa  
11555 382<sup>nd</sup> Avenue  
Frederick, SD 57441

**McPherson County**

Attn: Lindley Howard  
PO Box 390  
Leola, SD 57456

**Sharon Bain**

909 N 2<sup>nd</sup> Street  
Aberdeen, SD 57401

Not an Invoice

<b>Account Number:</b>	556235
<b>Customer Name:</b>	Brown County Auditor-Legals
<b>Customer Address:</b>	Brown County Auditor-Legals 25 Market St Suite 1 ABERDEEN SD 57401-4227
<b>Contact Name:</b>	Brown County Auditor-Legals
<b>Contact Phone:</b>	6056267110
<b>Contact Email:</b>	
<b>PO Number:</b>	

<b>Date:</b>	12/01/2023
<b>Order Number:</b>	9594238
<b>Prepayment Amount:</b>	\$ 0.00

<b>Column Count:</b>	1.0000
<b>Line Count:</b>	48.0000
<b>Height in Inches:</b>	0.0000

**Print**

Product	#Insertions	Start - End	Category
ABD The American News	1	12/06/2023 - 12/06/2023	Public Notices
ABD aberdeennews.com	1	12/06/2023 - 12/06/2023	Public Notices

<b>Order Confirmation Amount</b>	<b>\$18.92</b>
----------------------------------	----------------

## Ad Preview

### NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex Basement Community Room, on December 19, 2023, at 7:00 P.M.

Petitioner / Owner: John & Karen Brotzel

Description of property: Proposed Lot 1, "J and J Brotzel Addition" in the NW1/4 of Section 7-T126N-R65W of the 5th P.M., Brown County, South Dakota (11312 373rd Avenue, Franklyn Township).

Reason: Variance to Lot Size to allow Lot 1 (3.51 acres) to be smaller than a minimum 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 6th day of December 2023.

Planning/Zoning Commission and Scott Bader - P&Z Director

25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published Dec. 6, 2023, at the total approximate cost of \$18.92 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

# STAFF REPORT

Meeting: December 19, 2023

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## **BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)**

**APPEAL OF MINI-AG DISTRICT ORDINANCE**

**ITEM #02**

*(Mini-Agriculture District (M-AG))*

---

### **GENERAL INFORMATION:**

OWNER & PETITIONER	Alvin & Nancy Haugen
REQUEST:	<b>APPEAL OF MINI-AGRICULTURE DISTRICT (M-AG) ORDINANCE</b>
LEGAL DESCRIPTION:	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
ADDRESS:	127277 West Shore Drive
TOWNSHIP:	Ravinia Twp
EXISTING ZONING	Mini-Agriculture District (M-AG)
SURROUNDING ZONING:	
North:	Mini-Agriculture District (M-AG)
South:	Mini-Agriculture District (M-AG)
West:	Agriculture Preservation District (AG-P)
East:	Lake Front Residential District (R-3)
PUBLIC UTILITIES:	WEB Water; NWPS gas; Public Sewer
REPORTED BY:	Scott Bader

**GENERAL COMMENT:** The petitioner is requesting an Appeal to the Mini-Agriculture District (M-AG) Ordinance requirement and Zoning Administration interpretation that requires a *principle* "single family dwelling" on-site to be able to construct "*accessory structures*". Owner wants to build a storage building without any residential living space. **Total acres are 1.31.**

**GENERAL REVIEW:** Staff has reviewed this request and recommends **denial**. Mini Agriculture District (M-AG) has had many requests to the City & County over years for storage buildings without a residence. They can put a small living area inside to meet this requirement like other have on large lots. They purchased these lots before asking Zoning Department for regulations.

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR APPEAL

DATE: November 30, 2023  
RECEIPT # 821845  
TOWNSHIP: Ravinia Twp

FEES: \$300.00  
PAID: YES/NO CHK/CASH  
DATE: December 1, 2023

OWNERS SIGNATURE: Alvin & Nancy Haugen *Alvin Haugen* 12/1/23  
OWNERS ADDRESS: 3630 Rolling Meadows Drive  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-216-4767 (Nancy) / 605-380-8156 (Alvin)

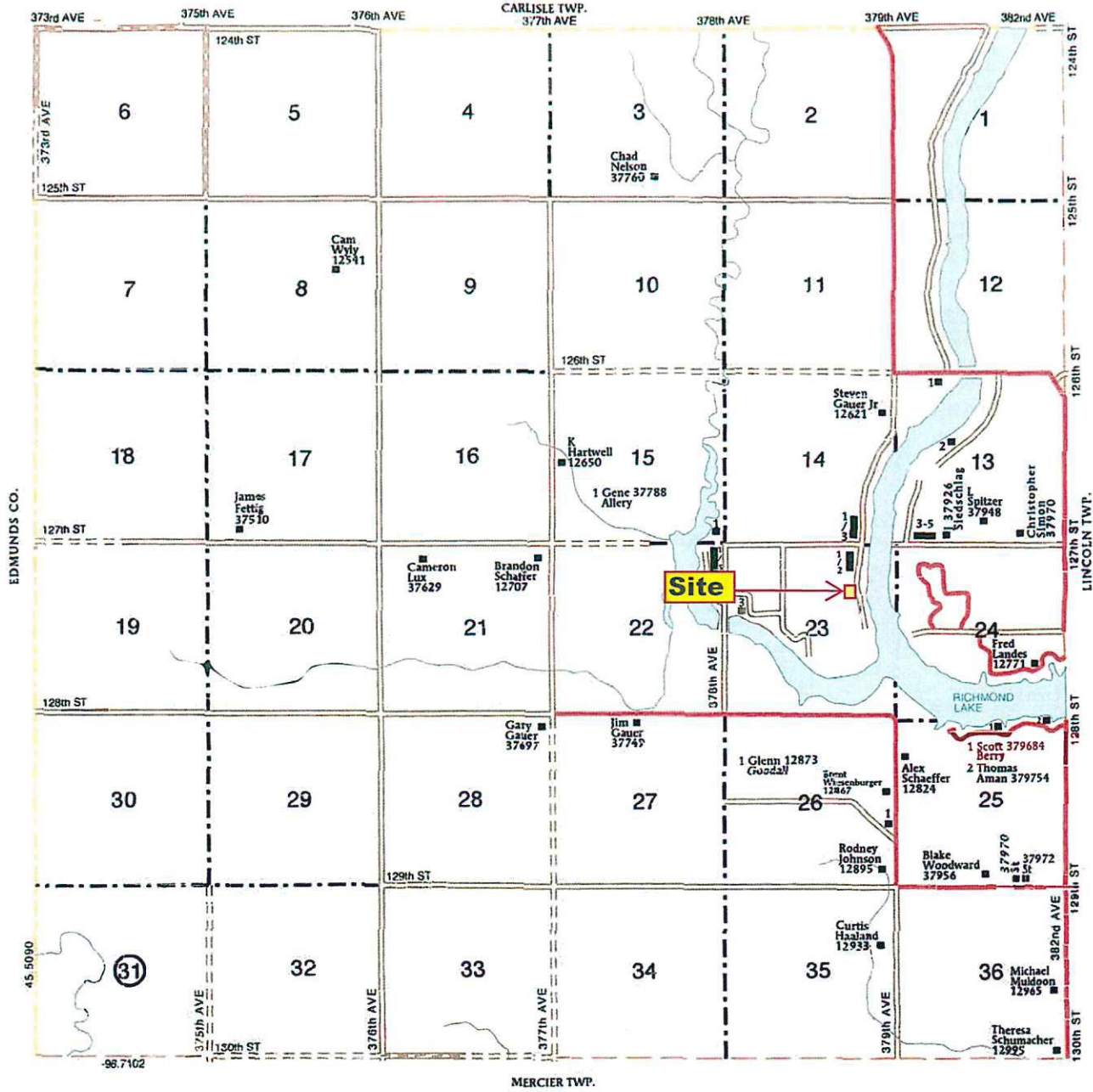
AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

REQUEST: Appeal of Ordinance.

LEGAL DESCRIPTION: Lot 2, "Brock Fischer First Richmond Lake Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127277 West Shore Drive; Ravinia Twp)

SIGNATURE: \_\_\_\_\_

<p><b>Planning Commission Action: Approved / Denied</b> _____</p> <p>_____</p> <p>_____</p> <p>By: _____ Date: _____</p> <p><b>HEARING DATE:</b> <u>December 19, 2023</u> <b>TIME:</b> <u>7:00 pm</u></p>
---



**RAVINIA TOWNSHIP**

- SECTION 13**  
 1 Kirchgessler, Jim 37935  
 2 Bahr, Jualln 126401  
 3 Peterson, L 37902  
 4 Wiest, Brandon 37908  
 5 Goldsde, Gerald 37910
- SECTION 14**  
 1 Mishaw, Mark 126928  
 2 Lutz, Douglas 126966  
 3 126974

- SECTION 22**  
 1 Myhre, Gary 127003  
 2 Huber, S 127131  
 3 Millett, Craig 127151  
 4 Thayer, Dan 127257  
 5 Wahl, Lanny 127395
- SECTION 23**  
 1 127148  
 2 127216  
 3 Koatts, Pat 12746

## NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for an APPEAL OF ORDINANCE. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on December 19, 2023, at 7:00 P.M.

Petitioner / Owner: Nancy and Alvin Haugen

Description of property: Lot 2, "Brock Fischer 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.).

Reason: Appeal to Ordinance in a M-AG district to construct a cold storage building without any required residential living space.

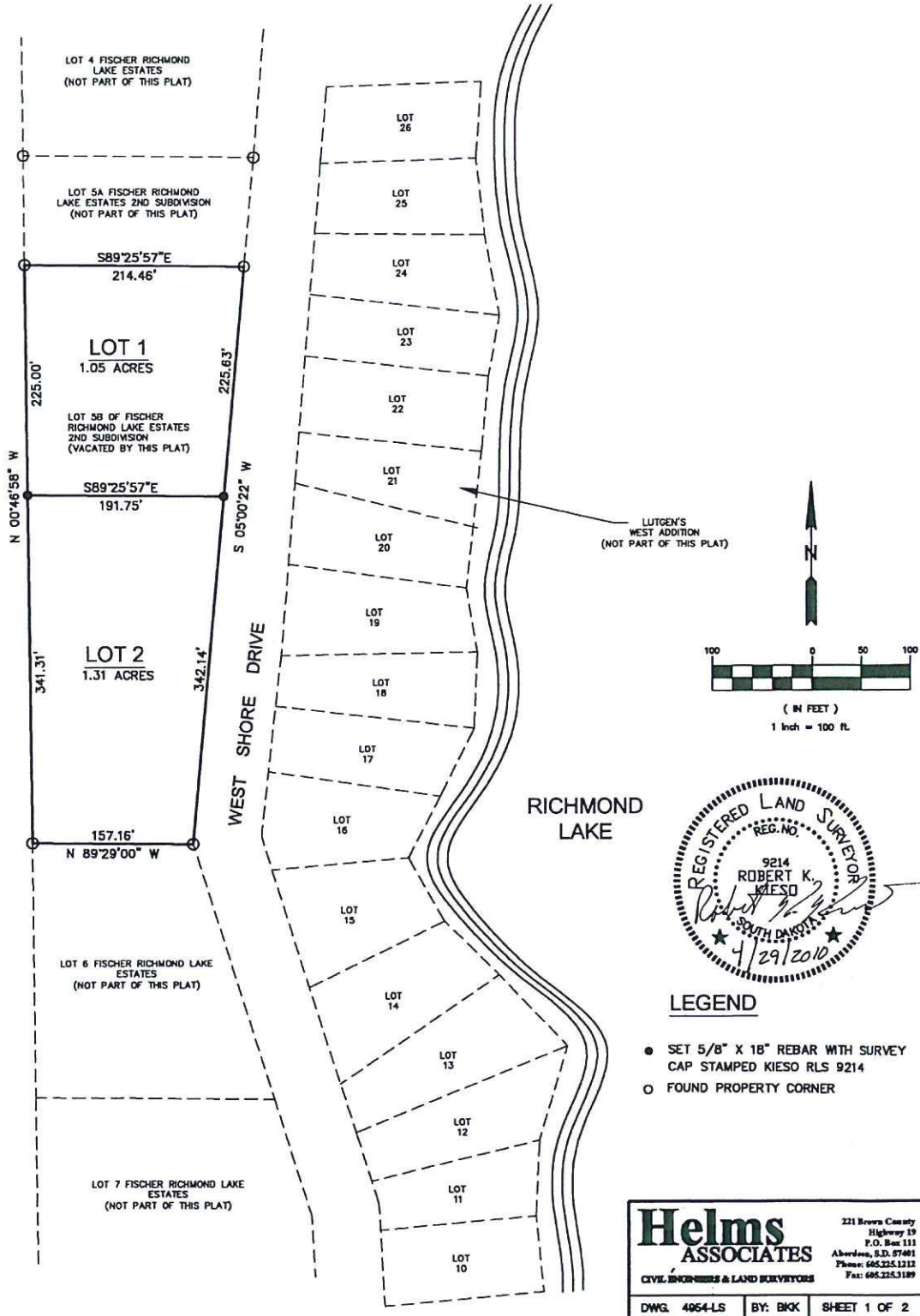
The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

*Dated this 6th day of December 2023*

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 \_\_\_\_\_.

# PLAT OF BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA



#6617

**Helms ASSOCIATES**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 221 Brown County Highway 19  
 P.O. Box 111  
 Aberdeen, S.D. 57401  
 Phone: 605.225.1212  
 Fax: 605.225.3189

DWG. 4964-LS    BY: BKK    SHEET 1 OF 2



# PLAT OF BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA

**SURVEYOR'S CERTIFICATE**

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF BROCK FISCHER AS OWNER, AND UNDER HIS DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO APRIL 20, 2010, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 29 DAY OF April, 2010

Robert K. Kieso  
ROBERT K. KIESO RLS #9214

**OWNER'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED (PREVIOUSLY DESCRIBED AS LOT 58 FISCHER RICHMOND LAKE ESTATES 2ND SUBDIVISION), SHALL HEREAFTER BE KNOWN AS; BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND I HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 3 DAY OF MAY, 2010

Brock Fischer  
BROCK FISCHER

**DECLARATION OF VACATION**

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF FISCHER RICHMOND LAKE ESTATES 2ND SUBDIVISION (LOT 58) AS RECORDED ON PLAT 2355 H, ON SEPTEMBER 28, 2007 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.

THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 3 DAY OF MAY, 2010

Brock Fischer  
BROCK FISCHER

**ACKNOWLEDGEMENT**

STATE OF SD )  
COUNTY OF Brown )  
ON THIS 3 DAY OF May, 2010, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED BROCK FISCHER KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON(S) WHOSE NAME(S) (IS/ARE) SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT (HE) EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

Jeanette Nieland  
NOTARY PUBLIC, Brown COUNTY  
MY COMMISSION EXPIRES: 2-16-11

**COUNTY PLANNING COMMISSION CERTIFICATION**

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 AT A MEETING HELD ON THE 10 DAY OF May, 2010.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

H. B. Baker  
SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

**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 THE 25 DAY OF May, 2010.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

Thomas Taylor  
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

**HIGHWAY AUTHORITY CERTIFICATE**

THE LOCATION THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: Jan Weismantel  
HIGHWAY AUTHORITY  
TITLE: Superintendent

**DIRECTOR OF EQUALIZATION'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS 4th DAY OF May, 2010

Perry Reich  
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

**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 10 DAY OF May, 2010

Mauniter Deputy  
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

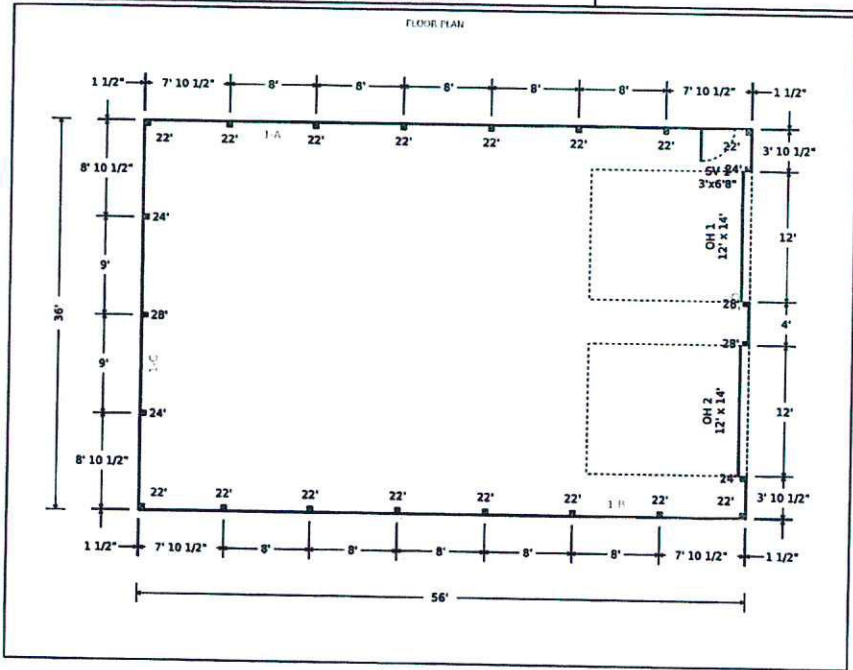
**REGISTER OF DEEDS CERTIFICATE**

FILED FOR RECORD THIS 25 DAY OF May, 2010 AT 1:40 O'CLOCK P.M., AND DULY RECORDED IN HANGING PLATS NO. 2637H THEREIN.

Marianne Malcolm Deputy  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

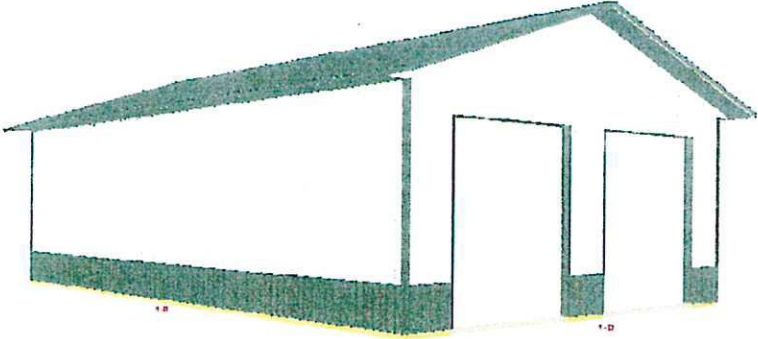
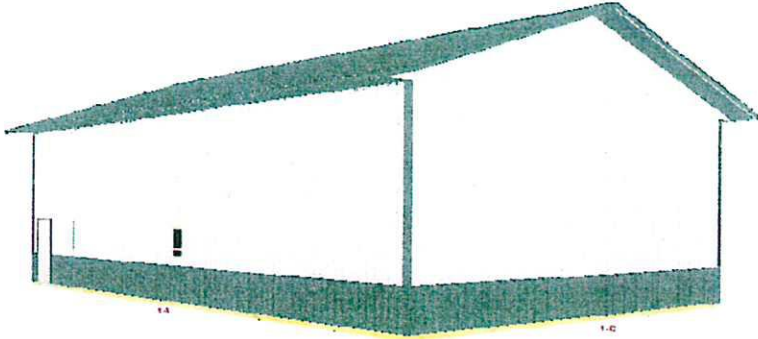
Date: 11/16/2023 Brown County Planning & Zoning Variance Request  
 Name: Alvin Haugen  
 Address: 127228 West Shore Dr. Aberdeen, SD 57401  
 Phone: (605) 380-8156  
 Description: Building of Storage Shed Size: 36'x56'x16'  
 Contractor: Dylan Binger  
 Estimated price: \$65,000\*\*Today's estimated price, future pricing may go up or down.

<p><b>Variations Requested:</b></p> <ol style="list-style-type: none"> <li>1). No primary residence - allowance of cold storage shed only</li> <li>2). 50 foot set back variance - allowance of building within 50 feet of the East property line. 50' vs. 100'</li> </ol> <p><b>Legal description of property:</b>          Lot 2 of Brock Fischer First Richmond Lake Addition in the NE 1/4 of Sec. 23, T. 124 N., R. 65 West of the 5th P.M., Brown County, South Dakota</p>	<p><b>Lot Dimensions:</b></p> <p>South end 157'          North end 191'          West side 341'          East side 342'</p>
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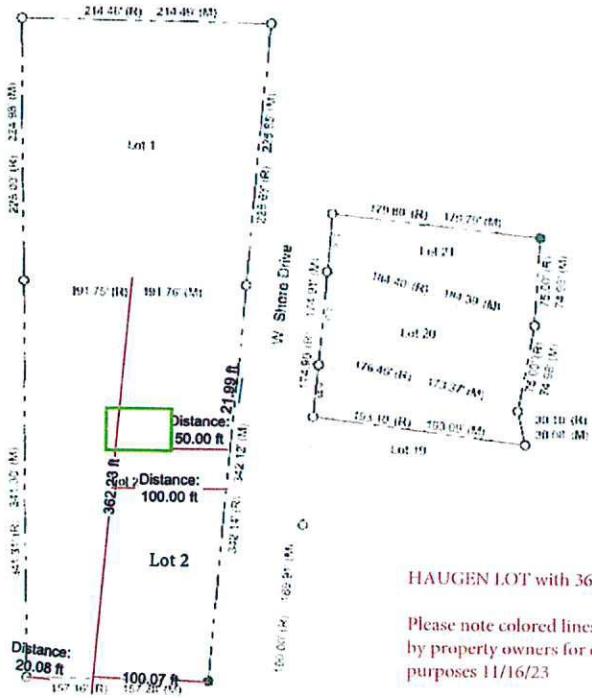
Haugen Shed Variance Request  
Nov 16, 2023

Elevation Views





SCALE: 1"=100'



HAUGEN LOT with 36' x 56' SHED

Please note colored lines were added by property owners for display purposes 11/16/23

**LEGAL DESCRIPTION**

North Half of Lot 19, Lots 20 & 21 of Lutgens West Addition in the NE 1/4 of Sec. 23, T 124 N, R 65 West and Lots 1 & 2 of Brock Fischer First Richmond Lake Addition in the NE 1/4 of Sec. 23, T 124 N, R 65 West of the 5th P.M., Brown County, South Dakota

**LEGEND**

- FOUND MONUMENT
- SET MONUMENT 5/8" Rebar / Cap
- PROPERTY LINE

**SURVEYORS AFFIDAVIT**

I, Keith L. Howe, do hereby certify that I am a Licensed Land Surveyor in and for the State of South Dakota. I prepared this exhibit on June 15, 2022, in general conformance with accepted standards of practice. In my professional opinion and to the best of my knowledge, information and belief, this drawing correctly shows the location of the described property.

Dated this 15th day of June, 2022

*Keith L. Howe*  
Registered Land Surveyor #SD 5574



HS	SCALE: 1"=100'	<b>HAUGEN LOT SURVEY</b>	DRAWING
	JOB NO: 2022-178		L
	DRAWN: KLH		127228 W. Shore Drive, Aberdeen, SD
CHECKED: KLH	HOWE SURVEYING LLC 43301 126TH STREET ROSLYN, SD 57261 (605) 486-4801		6/6/2022

**CHAPTER 4.07          MINI-AG DISTRICT (M-AG)**

4.0701 **Statement of Intent.** The intent of the Mini Ag (M-AG) District is to provide an environment and area conducive to large residential lot/hobby farm endeavors while retaining a quasi-rural character.

4.0702 **Permitted Principal Uses and Structures.** The following principal uses and structures shall be permitted in the Mini-Ag District:

1. Any form of agriculture including the raising of crops, horticulture, animal husbandry, and poultry husbandry, excluding commercial feedlots; After November 01, 2020, a maximum of one (1) animal unit per 1 acre will be allowed in M-AG District for hobby farming.
2. Single-family residence or two-family dwellings (1 - twin home, 1 - two unit townhome, 1 - two unit condo, 1 - two unit apartment) and their normal accessory buildings, excluding mobile homes;
  - A. Any application for a new residence that will be constructed or placed in rural areas of Brown County after November 01, 2020 must sign and record a “*right to farm*” agriculture easement with said property in the Register of Deeds office as a Miscellaneous Record (MR) before a permit may be issued for a new residence.

This would allow agricultural operations to continue as normal, to perform without complaint of dust, dirt, smell, noise or lights, as generated by *Best Management Practices* and any approved Conditional Use in this District;

3. Special Permitted Uses: currently not available;
4. Railroad track right-of-way; turn-a-rounds, side rails, off-rails, links, loop tracks.

4.0703 **Permitted Accessory Uses and Structures.** The following accessory uses and structures shall be permitted in the Mini-Ag District:

1. Roadside produce stands in conjunction with a bona fide farm operation on the premises; and
2. Artificial lakes(s) of three (3) acres or less.
3. Pole buildings, steel buildings, garages, calf shelters, other similar structures

4.0704 **Conditional Uses.** After notice and appropriate safeguards, the Board of Adjustment may permit the following as Conditional Uses in the Mini-Ag District:

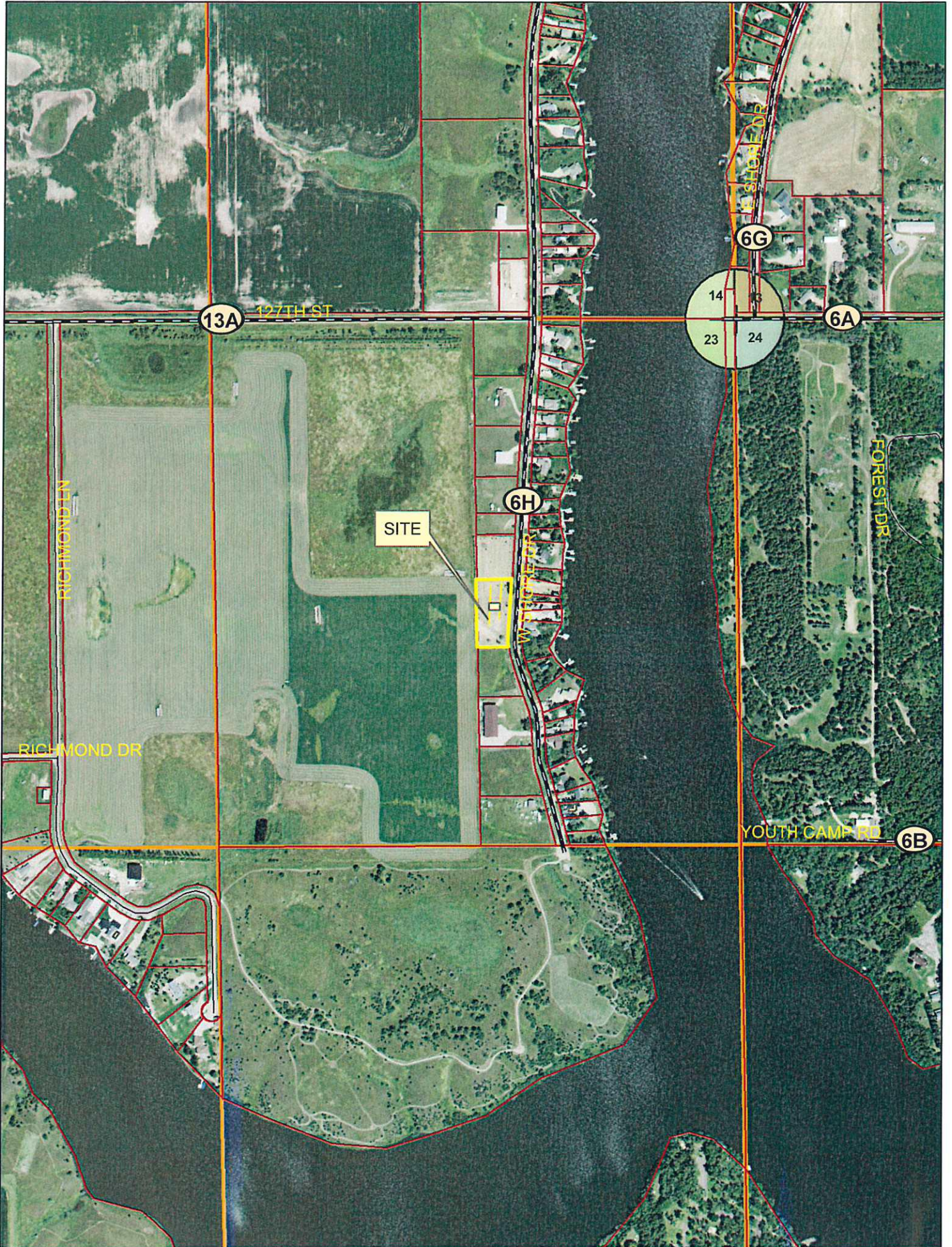
1. Home occupations; Hunting Lodges; Bed and Breakfast establishment;
2. Fairgrounds, racetracks, and amusement parks;
3. Utility substations; Communication Towers and Facilities; Wind Energy Conservation Systems;
4. Airports;
5. Golf courses, country clubs, and golf driving ranges;
6. Amphitheaters, stadiums, drive-in movies, arenas, and field houses;
7. Go-cart tracks, riding stables, playfields, athletic fields, bowling, swimming pools, and automobile parking;
8. Public parks, public recreational areas, churches, and schools;
9. Home business/office
10. Operation and maintenance terminal for trucks and other equipment;
11. Sand, gravel, or quarry operation, yet not including mineral extraction as defined in Chapter 4.01, 4.0102;
12. Sanitary landfill sites in accordance with South Dakota Environmental Protection Agency regulation;
13. Cemeteries;
14. Kennels/Boarding establishments and Veterinary establishments;
15. Wildlife propagation and game management.

4.0705 **Minimum Lot Requirement.**

1. The minimum lot frontage width shall be two hundred (200) feet.
2. The minimum lot area, not including right-of-way, shall be:  
2-1/2 acres without a central sanitary sewer system or public water supply; or,  
1 acre with a central sewer system or a public water supply  
(200' x 545' = 2-1/2 acres minimum; 200' x 218' = 1 acre minimum)

4.0706 **Minimum Setback Requirements.**

1. All structures shall be set back not less than one hundred (100) feet along section line roads and
2. Not less than forty-five (45) feet along all others, measured from road right-of-ways lines.
3. The minimum side yard and rear yard setback shall each be twenty (20) feet.





SITE

100' required setback

50' variance setback

6H

W SHORE DR



Alvin & Nancy Haugen  
3630 Rolling Meadows Drive  
Aberdeen, SD 57401

Ravinia Township  
C/O Timothy Serr  
127215 W Bridge Road  
Aberdeen, SD 57401

B & B Real Estate LLC  
723 Commerce Street  
Aberdeen, SD 57401

Allen & Joyce Beckler  
127298 W Shore Drive  
Aberdeen, SD 57401

Roger D Cooper Rev. Trust  
39224 133<sup>rd</sup> Street  
Aberdeen, SD 57401

Gary & Lavonne Reuer  
14738 320<sup>th</sup> Avenue  
Hoven, SD 57450

Patrick & Debra Mehlhaff  
127446 W Shore Drive  
Aberdeen, SD 57401



# Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St Suite 1 ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	

Date:	12/01/2023
Order Number:	9594242
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	47.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	12/06/2023 - 12/06/2023	Public Notices
ABD aberdeennews.com	1	12/06/2023 - 12/06/2023	Public Notices

Order Confirmation Amount

\$18.63

## Ad Preview

**NOTICE OF HEARING**  
Application has been made to the Brown County Planning/Zoning Commission for an APPEAL OF ORDINANCE. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on December 19, 2023, at 7:00 P.M.

**Petitioner / Owner:** Nancy and Alvin Haugen  
**Description of property:** Lot 2, "Brock Fischer Richmond Lake Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota  
**(127277 West Shore Drive, Ravinia Twp.).**  
**Reason:** Appeal to Ordinance in a M-AG district to construct a cold storage building without any required residential living space.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.  
Dated this 6th day of December 2023  
Planning/Zoning Commission and  
Scott Bader – P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published Dec. 6, 2023, at the total approximate cost of \$18.63 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

# STAFF REPORT

Meeting: December 19, 2023

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## **BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)**

### **VARIANCE TO BUILDING SETBACKS**

**ITEM #03**

*Mini-Agriculture District (M-AG)*

---

#### **GENERAL INFORMATION:**

OWNER:	Alvin & Nancy Haugen
PETITIONER:	Alvin & Nancy Haugen
REQUEST:	<b>VARIANCE TO BUILDING SETBACKS IN MINI-AGRICULTURE DISTRICT (M-AG)</b>
LEGAL DESCRIPTION:	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
ADDRESS:	127277 West Shore Drive
TOWNSHIP:	Ravinia Twp
EXISTING ZONING:	Mini-Agriculture District (M-AG)
SURROUNDING ZONING:	
North:	Mini-Agriculture District (M-AG)
South:	Mini-Agriculture District (M-AG)
West:	Agriculture Preservation District (AG-P)
East:	Lake Front Residential District (R-3)
PUBLIC UTILITIES:	WEB Water; NWPS gas; Public Sewer
REPORTED BY:	Scott Bader

**GENERAL COMMENT:** The petitioner is requesting a Variance to Building Setbacks in a Mini Agriculture District (M-AG) to have a 50'-0" East Front Yard Setback rather than the 100'-0" required by Brown County Ordinance for a 36' x 56' cold storage building.

**GENERAL REVIEW:** Staff has reviewed this request. Staff recommends no variance for new development with new structures on empty lots. They can meet minimum setbacks. These lots were for M-AG residential @ 100' min.

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: November 27, 2023  
RECEIPT # 821846  
TOWNSHIP: Ravinia Twp.

FEES: \$125.00  
PAID: YES/NO CHK/CASH  
DATE: December 1, 2023

OWNERS SIGNATURE: Alvin & Nancy Haugen *Alvin Haugen 12/1/23*  
OWNERS ADDRESS: 3630 Rolling Meadows Drive  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: (605) 216-4767 (Nancy) / (605) 380-8156 (Alvin)

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

**REQUEST:** Petitioner is requesting a Variance to Building Setbacks in a Mini-Agriculture District (M-AG) to have a 50'-0" East Front Yard Setback rather than the 100'-0" setback required by Brown County Ordinance for a 36' x 56' storage building.

**LEGAL DESCRIPTION:** Lot 2, "Brock Fischer First Richmond Lake Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127277 West Shore Drive; Ravinia Twp.)

**Planning Commission Action:** Approved / Denied \_\_\_\_\_

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

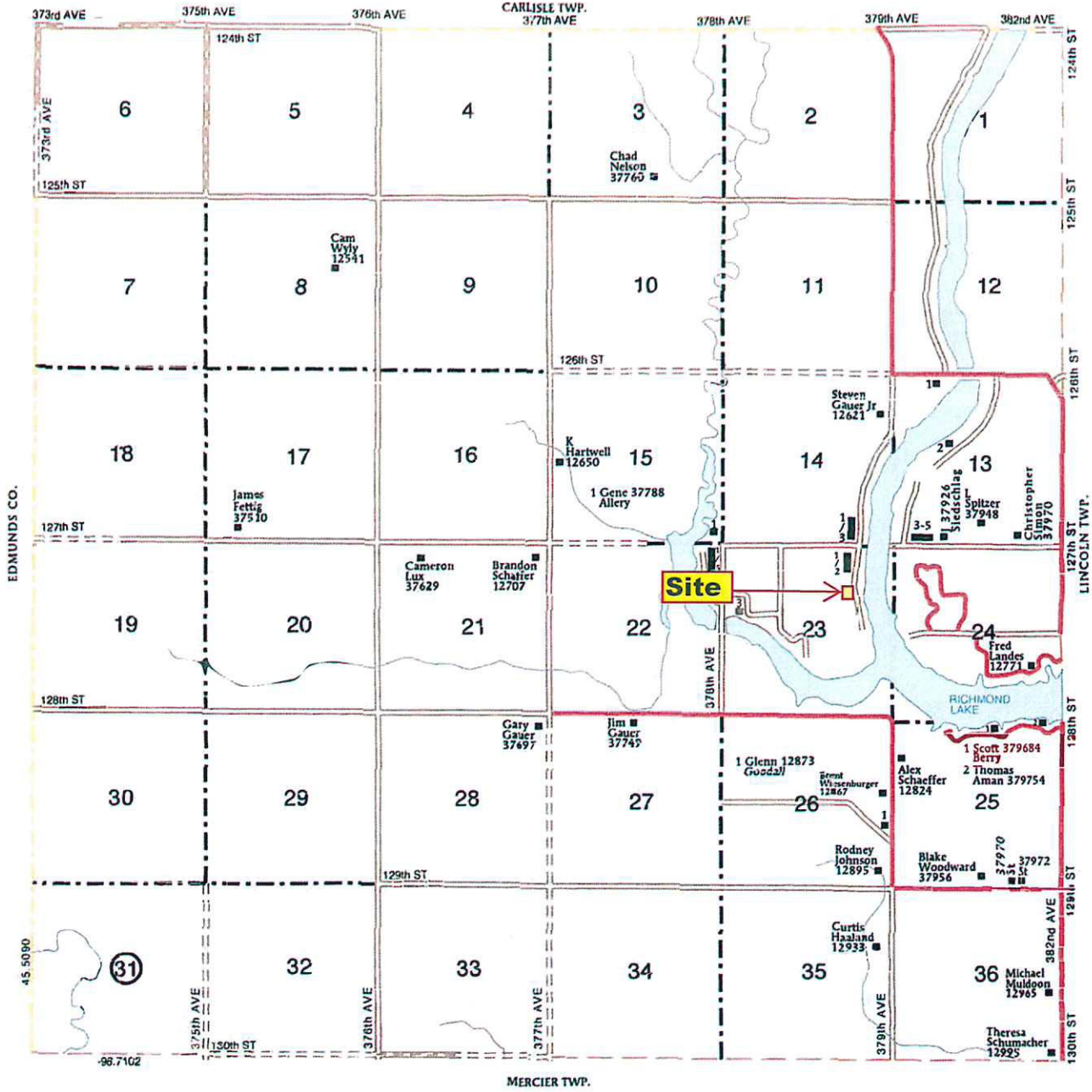
**HEARING DATE:** December 19, 2023 **TIME:** 7:00 pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

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

(Residents - Owners or Renters)



**RAVINIA TOWNSHIP**

- SECTION 13**  
 1 Kirchgusler, Jim 37935  
 2 Behr, Justin 126401  
 3 Peterson, L 37902  
 4 Wiest, Brandon 37908  
 5 Goldado, Gerald 37910
- SECTION 14**  
 1 Mishaw, Mark 126928  
 2 Lutz, Douglas 126966  
 3 126974

**SECTION 22**

- 1 Myhre, Gary 127003  
 2 Huber, S 127131  
 3 Millett, Craig 127151  
 4 Theyer, Dan 127257  
 5 Wahl, Lanny 127395
- SECTION 23**  
 1 127148  
 2 127216  
 3 Koatta, Pal 12746

## NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on December 19, 2023, at 7:00 P.M.

Petitioner / Owner: Nancy Haugen for Nancy and Alvin Haugen

Description of property: Lot 2, "Brock Fischer 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.).

Reason: A Variance for Building Setbacks in a Mini-Agriculture District (M-AG) to be 50'-0" from the East Front Yard property line rather than 100'-0" required in Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

*Dated this 6th day of December 2023*

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 \_\_\_\_\_.

(Nancy Haugen)

VARIANCE FINDINGS WORKSHEET

**Prong One**

*Whether granting the variance runs counter to the public interest?*

Consider the entire public— <i>not</i> just the neighbors	Findings	
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4. Does it conform to the comprehensive plan currently in place?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

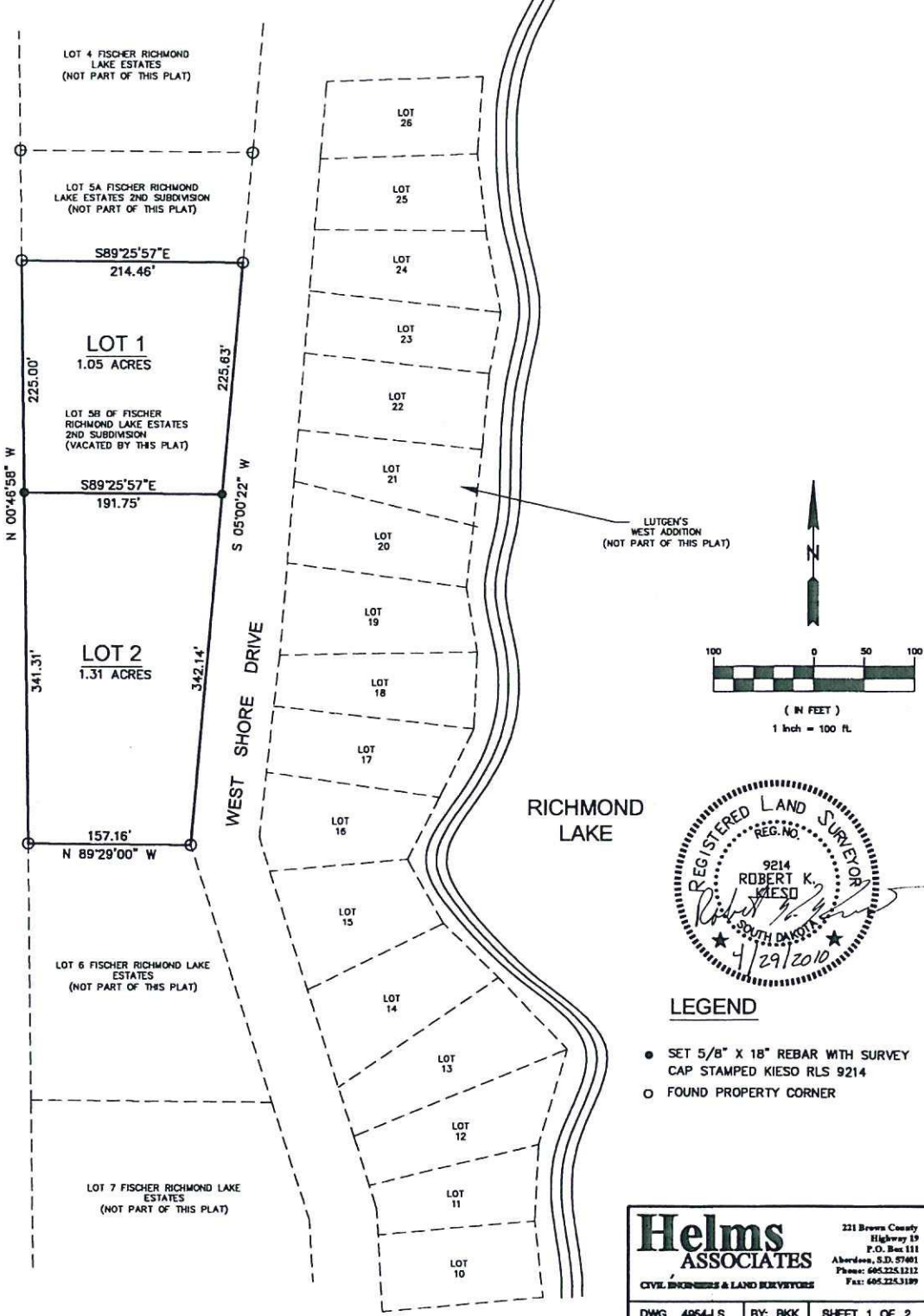
**Prong Two**

*Whether special conditions exist to grant a variance?*

Physical conditions— <i>not</i> money or econ hardship	Findings	
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It <b>must</b> be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does <b>not</b> mean money, econ hardship, or allowing a use that's prohibited ( <i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>



# PLAT OF BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA



### LEGEND

- SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- FOUND PROPERTY CORNER

**Helms ASSOCIATES**  
CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County Highway 19  
P.O. Box 111  
Aberdeen, S.D. 57401  
Phone: 605.225.1212  
Fax: 605.225.3199

#6617

# PLAT OF BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA

### SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF BROCK FISCHER AS OWNER, AND UNDER HIS DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO APRIL 29, 2010, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 29 DAY OF April, 2010

Robert K. Kieso  
ROBERT K. KIESO RLS #0214

### OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED (PREVIOUSLY DESCRIBED AS LOT 58 FISCHER RICHMOND LAKE ESTATES 2ND SUBDIVISION), SHALL HEREAFTER BE KNOWN AS: BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND I HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 2 DAY OF MAY, 2010

Brock Fischer  
BROCK FISCHER

### DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF FISCHER RICHMOND LAKE ESTATES 2ND SUBDIVISION (LOT 58) AS RECORDED ON PLAT 2355 H, ON SEPTEMBER 28, 2007 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.

THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 3 DAY OF MAY, 2010

Brock Fischer  
BROCK FISCHER

### ACKNOWLEDGEMENT

STATE OF SD  
COUNTY OF Brown  
ON THIS THE 3 DAY OF May, 2010, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED BROCK FISCHER KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON(S) WHOSE NAME(S) (IS/ARE) SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT (HE) EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

Jeanette Nieland  
NOTARY PUBLIC, Brown COUNTY  
MY COMMISSION EXPIRES: 2-16-11

### COUNTY PLANNING COMMISSION CERTIFICATION

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 AT A MEETING HELD ON THE 10 DAY OF May, 2010.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

H. B. Baker  
SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

### 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 THE 25 DAY OF May, 2010.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

Marianne Taylor  
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

### HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: Jean Weismittel  
HIGHWAY AUTHORITY  
TITLE: Superintendent

### DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS 4th DAY OF May, 2010

Polly Reish  
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

### 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 10 DAY OF May, 2010

Vaunette Deputy  
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

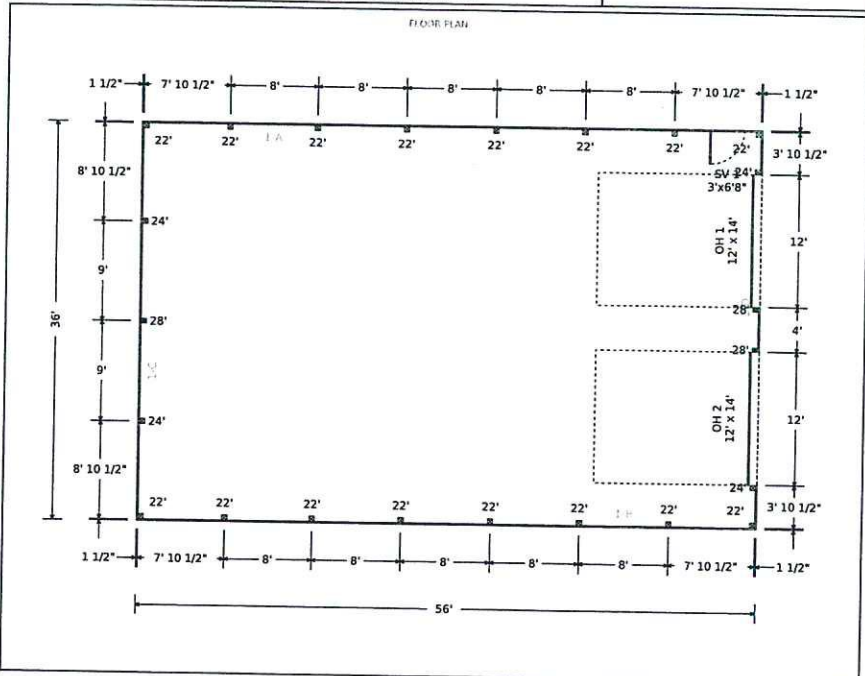
### REGISTER OF DEEDS CERTIFICATE

FILED FOR RECORD THIS 25 DAY OF May, 2010 AT 1:40 O'CLOCK P.M. AND DULY RECORDED IN HANGING PLATS NO. 2637H THEREIN.

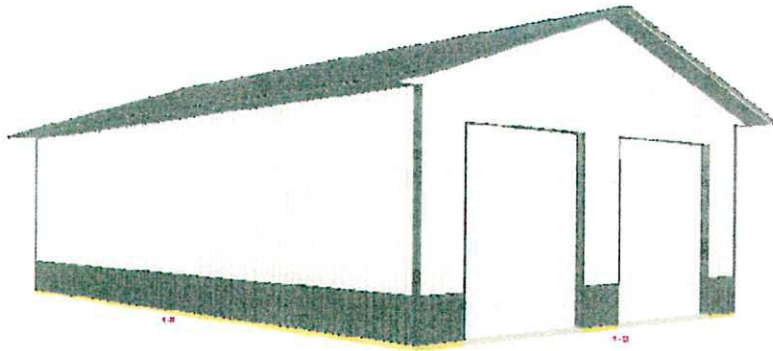
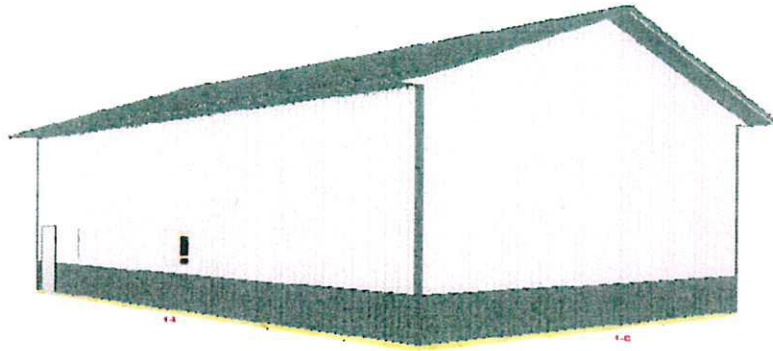
Marianne Malcom Deputy  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

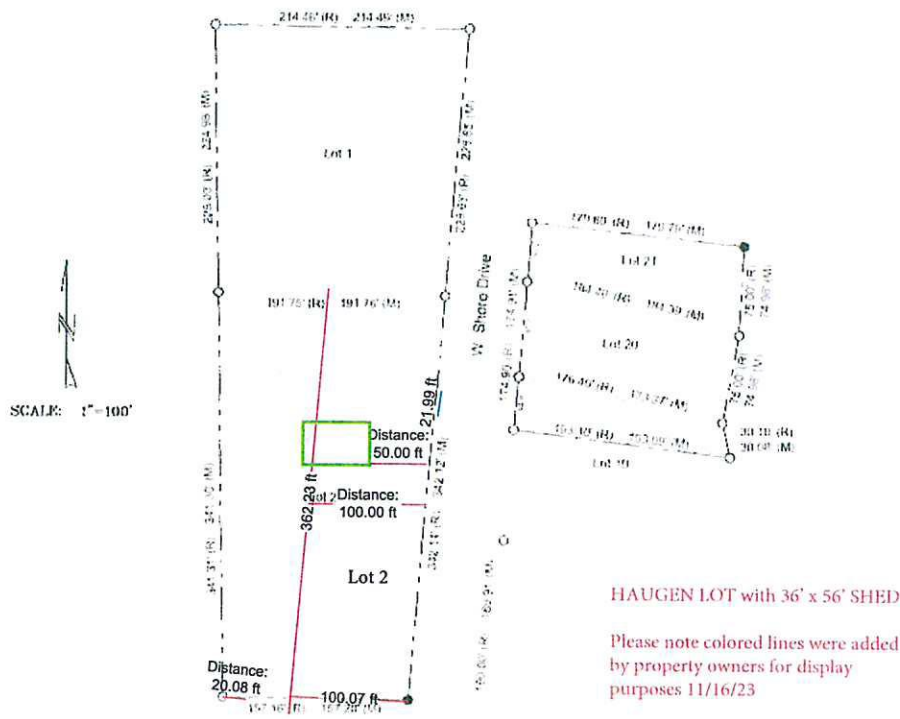
Date: 11/16/2023 Brown County Planning & Zoning Variance Request  
 Name: Alvin Haugen  
 Address: 127228 West Shore Dr. Aberdeen, SD 57401  
 Phone: (605) 380-8156  
 Description: Building of Storage Shed Size: 36'x56'x16'  
 Contractor: Dylan Binger  
 Estimated price: \$65,000\*Today's estimated price, future pricing may go up or down.

<p><b>Variations Requested:</b></p> <ol style="list-style-type: none"> <li>1). No primary residence - allowance of cold storage shed only</li> <li>2). 50 foot set back variance - allowance of building within 50 feet of the East property line. 50' vs. 100'</li> </ol> <p><b>Legal description of property:</b>          Lot 2 of Brock Fischer First Richmond Lake Addition in the NE 1/4 of Sec. 23, T. 124 N., R. 65 West of the 5th P.M., Brown County, South Dakota</p>	<p><b>Lot Dimensions:</b></p> <p>South end 157'          North end 191'          West side 341'          East side 342'</p>
--	---



Elevation Views





**LEGAL DESCRIPTION**

North Half of Lot 19 Lots 20 & 21 of Luigens West Addition in the NE 1/4 of Sec 23 T 124 N R 65 West and Lots 1 & 2 of Brock Fischer First Richmond Lake Addition in the NE 1/4 of Sec 23, T 124 N R 65 West of the 5th P.M., Brown County, South Dakota

**SURVEYORS AFFIDAVIT**

I, Keith L. Howe, do hereby certify that I am a Licensed Land Surveyor in and for the State of South Dakota. I prepared this exhibit on June 15, 2022, in general conformance with accepted standards of practice. In my professional opinion and to the best of my knowledge, information and belief, this drawing correctly shows the location of the described property.

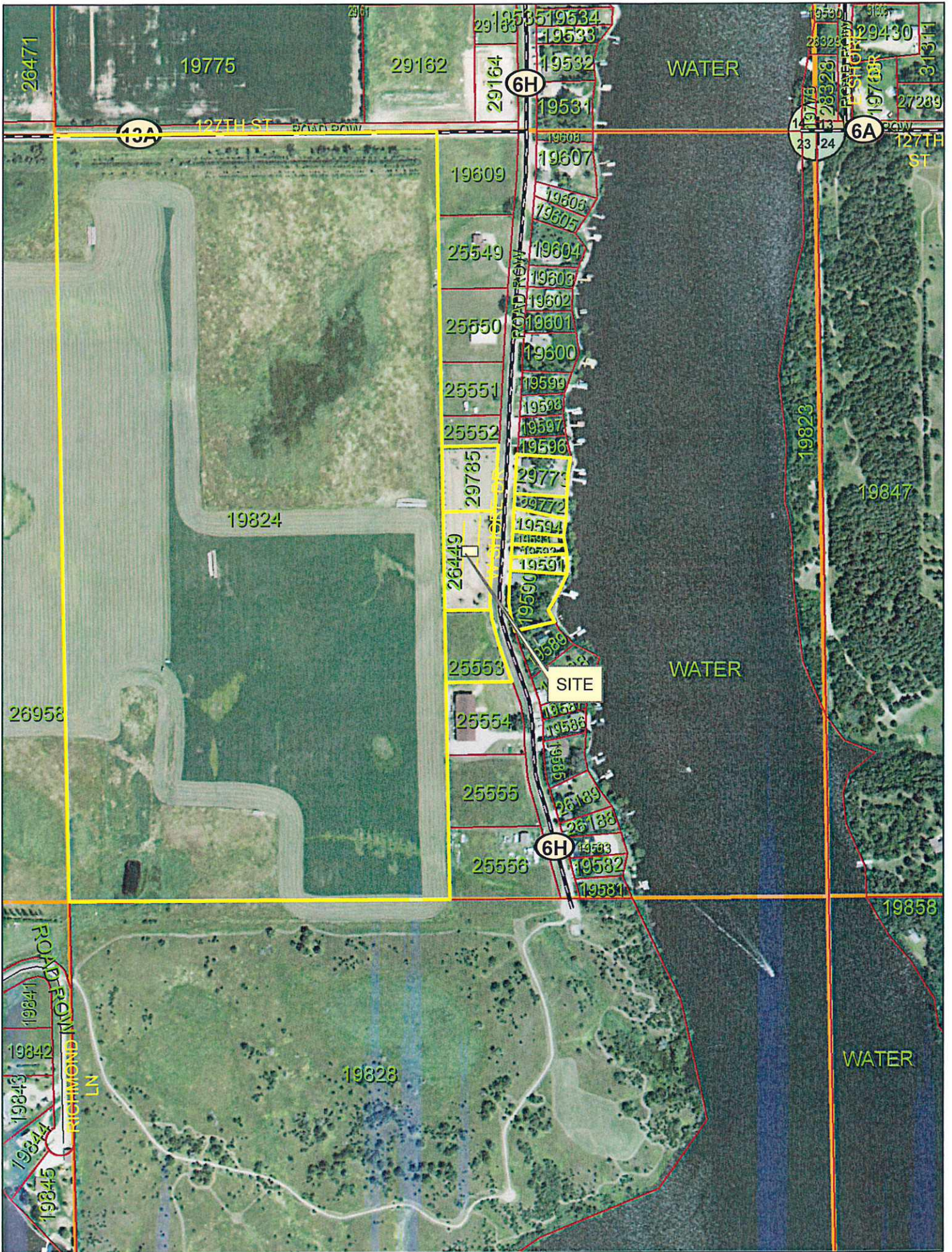
Dated this 15th day of June, 2022

*Keith L. Howe*  
Registered Land Surveyor #SD 6524

- LEGEND**
- FOUND MONUMENT
  - SET MONUMENT 5/8" Rebar / Cap
  - PROPERTY LINE



<b>HS</b>	SCALE: 1"=100'	<b>HAUGEN LOT SURVEY</b>	<b>DRAWING</b>
	JOB NO: 2022-179		
	DRAWN: KLH		
CHECKED: KLH	127228 W Shore Drive, Aberdeen, SD		<b>L</b>
HOWE SURVEYING LLC 42301 128TH STREET ROSLYN, SD 57261 (605) 486-4801		6/6/2022	



26471

19775

29162

29164

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19607

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19605

19604

19603

19602

19601

19600

19599

19598

19597

19596

29785

29773

29772

19594

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19676

19675

19674

19673

19672

19671

13A

127TH ST

ROAD ROW

6H

13

23

24

6A

127TH ST

19823

19847

26958

19824

WATER

WATER

WATER

19858

19828

RICHMOND MOTORWAY LN



SITE

100' required setback

50' variance setback

6H

W SHORE DR

**Alvin & Nancy Haugen**  
3630 Rolling Meadows Drive  
Aberdeen, SD 57401

**Ravinia Township**  
Attn: Timothy Serr  
127215 W Bridge Road  
Aberdeen, SD 57401

**B & B Real Estate LLC**  
723 Commerce Street  
Aberdeen, SD 57401

**Allen & Joyce Beckler**  
127298 W Shore Drive  
Aberdeen, SD 57401

**Roger D Cooper Revocable  
Trust**  
39224 133<sup>rd</sup> Street  
Aberdeen, SD 57401

**Gary & Lavonne Reuer**  
14738 320<sup>th</sup> Avenue  
Hoven, SD 57450

**Patrick & Debra Mehlhaff**  
127446 W Shore Drive  
Aberdeen, SD 57401





# Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St Suite 1 ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	

Date:	12/01/2023
Order Number:	9594245
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	51.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	12/06/2023 - 12/06/2023	Public Notices
ABD aberdeennews.com	1	12/06/2023 - 12/06/2023	Public Notices

Order Confirmation Amount

\$19.79

## Ad Preview

### NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on December 19, 2023, at 7:00 P.M.

Petitioner / Owner: Nancy Haugen for Nancy and Alvin Haugen

Description of property: Lot 2, "Brock Fischer Richmond Lake Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota

(127277 West Shore Drive, Ravinia Twp.).

Reason: A Variance for Building Setbacks in a Mini-Agriculture District (M-AG) to be 50'-0" from the East Front Yard property line rather than 100'-0" required in Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 6th day of December 2023

Planning/Zoning Commission and

Scott Bader - P&Z Director

25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published Dec. 6, 2023, at the total approximate cost of \$19.79 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

# STAFF REPORT

Meeting: December 19, 2023

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## **BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)**

**VARIANCE FOR LOT SIZE IN AG-P**

**ITEM #04**

*(Agriculture Preservation District (AG-P))*

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### **GENERAL INFORMATION:**

OWNER: Cole Truebenbach  
PETITIONER: Kimberly A. Dorsett

REQUEST: **VARIANCE FOR LOT SIZE IN AN  
AGRICULTURE PRESERVATION DISTRICT  
(AG-P)**

LEGAL DESCRIPTION: 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

ADDRESS: 10653 399<sup>th</sup> Avenue

CITY/TOWNSHIP: Greenfield 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: Unknown

REPORTED BY: Chris Anderson

**GENERAL COMMENT:** The petitioner is requesting a Variance to 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) per Chapter 4.0605 of Brown County Ordinances.

**GENERAL REVIEW:** Staff has reviewed this request. This is part of a 1031 Exchange. A minimum of 2.5 acres is required since they have septic tank sewer and well water. If there is public water, they may have reduced the lot size to a minimum of 1 acre by ordinance.


# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: November 22, 2023  
RECEIPT # 821839  
TOWNSHIP: Greenfield Twp.

FEES: \$125.00  
PAID: YES/NO CHK/CASH  
DATE: November 27, 2023

OWNERS SIGNATURE: Cole Truebenbach  
OWNERS ADDRESS: 10653 399th Avenue  
OWNERS CITY, STATE, ZIP: Hecla, SD 57446  
OWNERS PHONE: 605-228-1871

AGENTS SIGNATURE:   
AGENTS ADDRESS: Kimberly A. Dorsett, Partner, Richardson Law Firm  
AGENTS ADDRESS: 1 Court Street, PO Box 1030  
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57402-1030  
AGENTS PHONE: 605-225-6310

**REQUEST:** Variance to 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) per Chapter 4.0605 of Zoning Ordinances

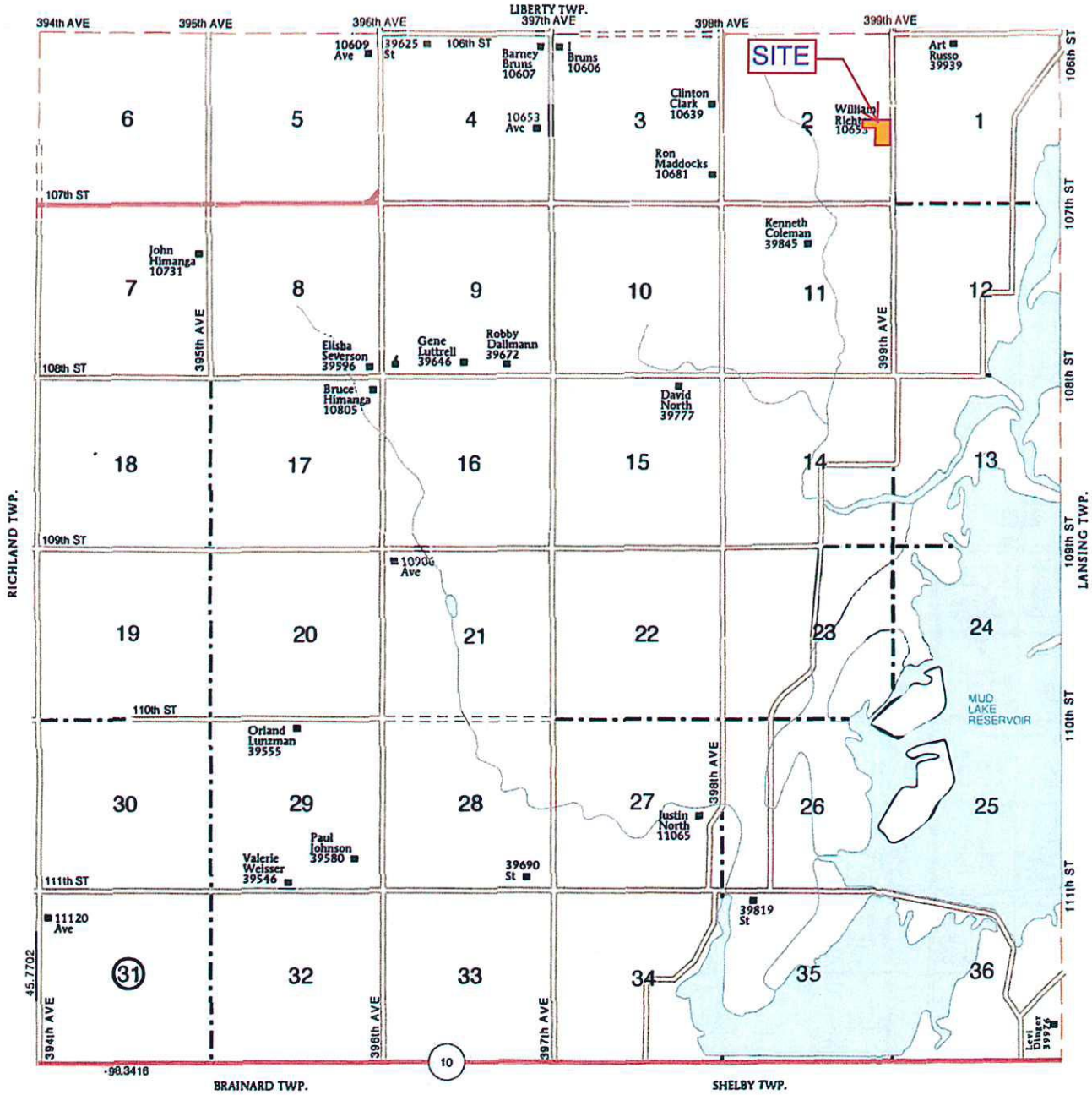
**LEGAL DESCRIPTION:** Proposed Lot 1, "Truebenbach Addition" in the SE1/4 of Section 2-T127N-R62W of the 5th P.M., Brown County, South Dakota (10653 399th Avenue; Greenfield Twp.)

**Planning Commission Action:** Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

**HEARING DATE:** December 19, 2023 **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 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



## NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex Basement Community Room, on December 19, 2023, at 7:00 P.M.

Petitioner / Owner: Cole Truebenbach

Description of property: 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 Township).

Reason: Variance to Lot Size to allow Lot 1 (2.50 acres) to be smaller than a minimum 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 6th day of December 2023.

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 \_\_\_\_\_.

# (Truebenbach)

## VARIANCE FINDINGS WORKSHEET

### *Prong One*

*Whether granting the variance runs counter to the public interest?*

Consider the entire public— <i>not</i> just the neighbors	Findings	
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

### *Prong Two*

*Whether special conditions exist to grant a variance?*

Physical conditions— <i>not</i> money or econ hardship	Findings	
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It <b>must</b> be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does <b>not</b> mean money, econ hardship, or allowing a use that's prohibited ( <i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

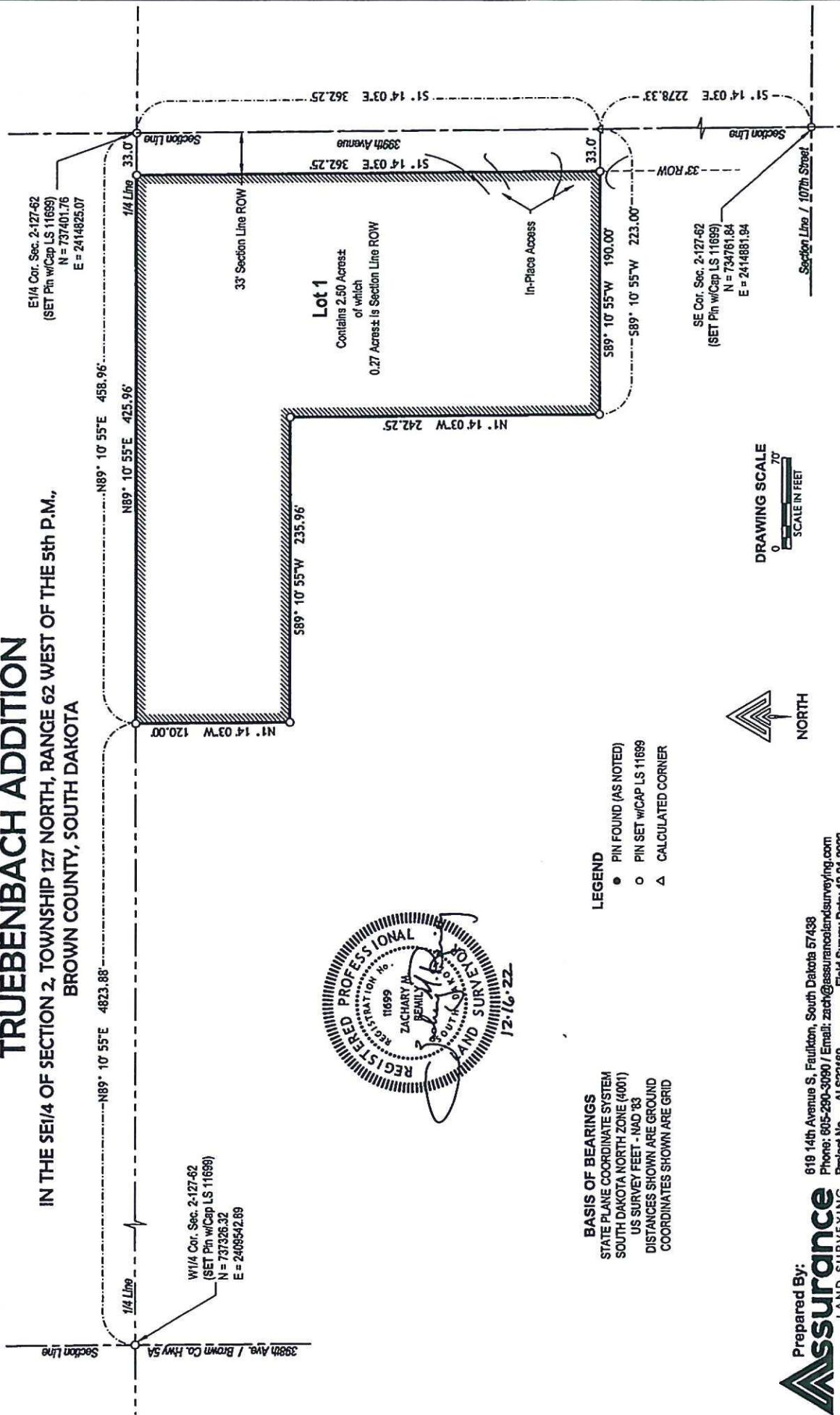
Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.

Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.

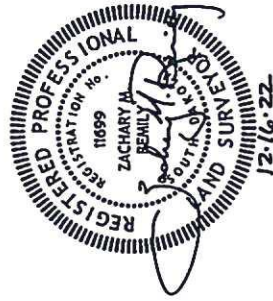
PLAT SHOWING

# TRUEBENBACH ADDITION

IN THE SE1/4 OF SECTION 2, TOWNSHIP 127 NORTH, RANGE 62 WEST OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA



SHEET 1 OF 3



**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



**DRAWING SCALE**  
0 70'  
SCALE IN FEET

Prepared By: **Assurance**  
LAND SURVEYING  
619 14th Avenue S, Faulkton, South Dakota 57438  
Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com  
Project No. ALS22189  
Field Survey Date: 12.01.2022



# TRUEBENBACH ADDITION

IN THE SE1/4 OF SECTION 2, TOWNSHIP 127 NORTH, RANGE 62 WEST OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA

### OWNER'S CERTIFICATE

I, Cole Mitchell Truebenbach, do hereby certify that I am the owner of the Southeast Quarter (SE1/4) of Section Two (2), Township One Hundred Twenty-Seven (127) North, Range Sixty-Two (62) West of the 5th P.M., Brown County, South Dakota, and that I 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:

**"TRUEBENBACH ADDITION IN THE SE1/4 OF SECTION 2,  
TOWNSHIP 127 NORTH, RANGE 62 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: *Cole Mitchell Truebenbach*

Signature

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

COUNTY OF \_\_\_\_\_ )  
STATE OF \_\_\_\_\_ ) SS

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
before me, \_\_\_\_\_, the undersigned officer, personally  
appeared *Cole Mitchell Truebenbach*, known to me or satisfactorily  
proven to be the person who, subscribed to the within instrument and  
acknowledged that he executed the same for the purposes therein  
contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: \_\_\_\_\_


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 owner, I have surveyed and platted:

**"TRUEBENBACH ADDITION IN THE SE1/4 OF SECTION 2,  
TOWNSHIP 127 NORTH, RANGE 62 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 11899

Signed this 16th day of DECEMBER, 2022.

### HIGHWAY APPROVAL

"Existing Access to *399th 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."

Print Name & Title

Signature

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

### 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:

**"TRUEBENBACH ADDITION IN THE SE1/4 OF SECTION 2,  
TOWNSHIP 127 NORTH, RANGE 62 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:

**"TRUEBENBACH ADDITION IN THE SE1/4 OF SECTION 2,  
TOWNSHIP 127 NORTH, RANGE 62 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."

PLAT SHOWING

# TRUEBENBACH ADDITION

IN THE SE1/4 OF SECTION 2, TOWNSHIP 127 NORTH, RANGE 62 WEST OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA

### 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

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Director of Equalization  
Brown County, South Dakota

### REGISTER OF DEEDS' CERTIFICATE

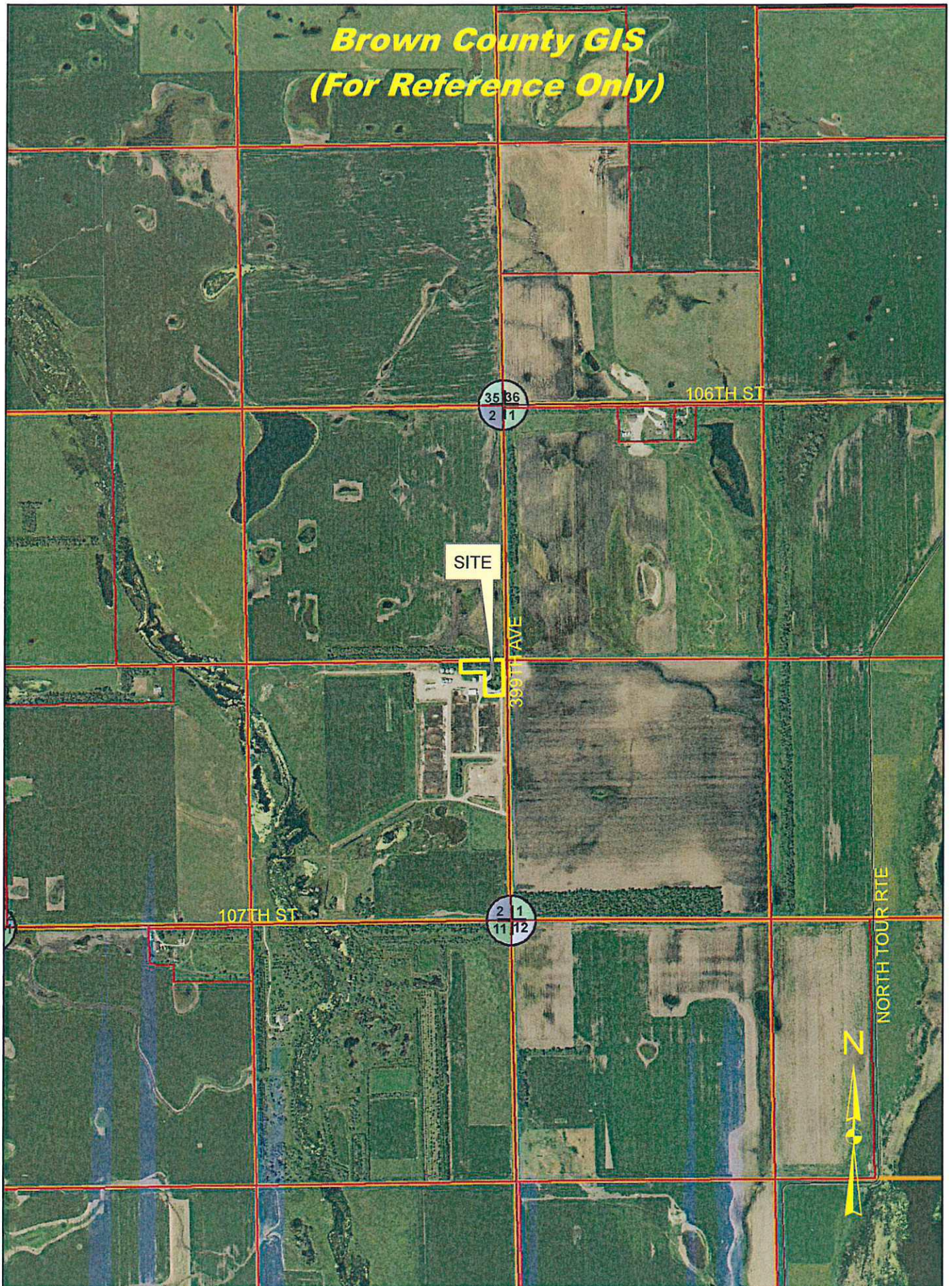
Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

at \_\_\_\_\_ O'clock \_\_\_\_ M., and duly recorded as Hanging

Plat No. \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
Brown County, South Dakota

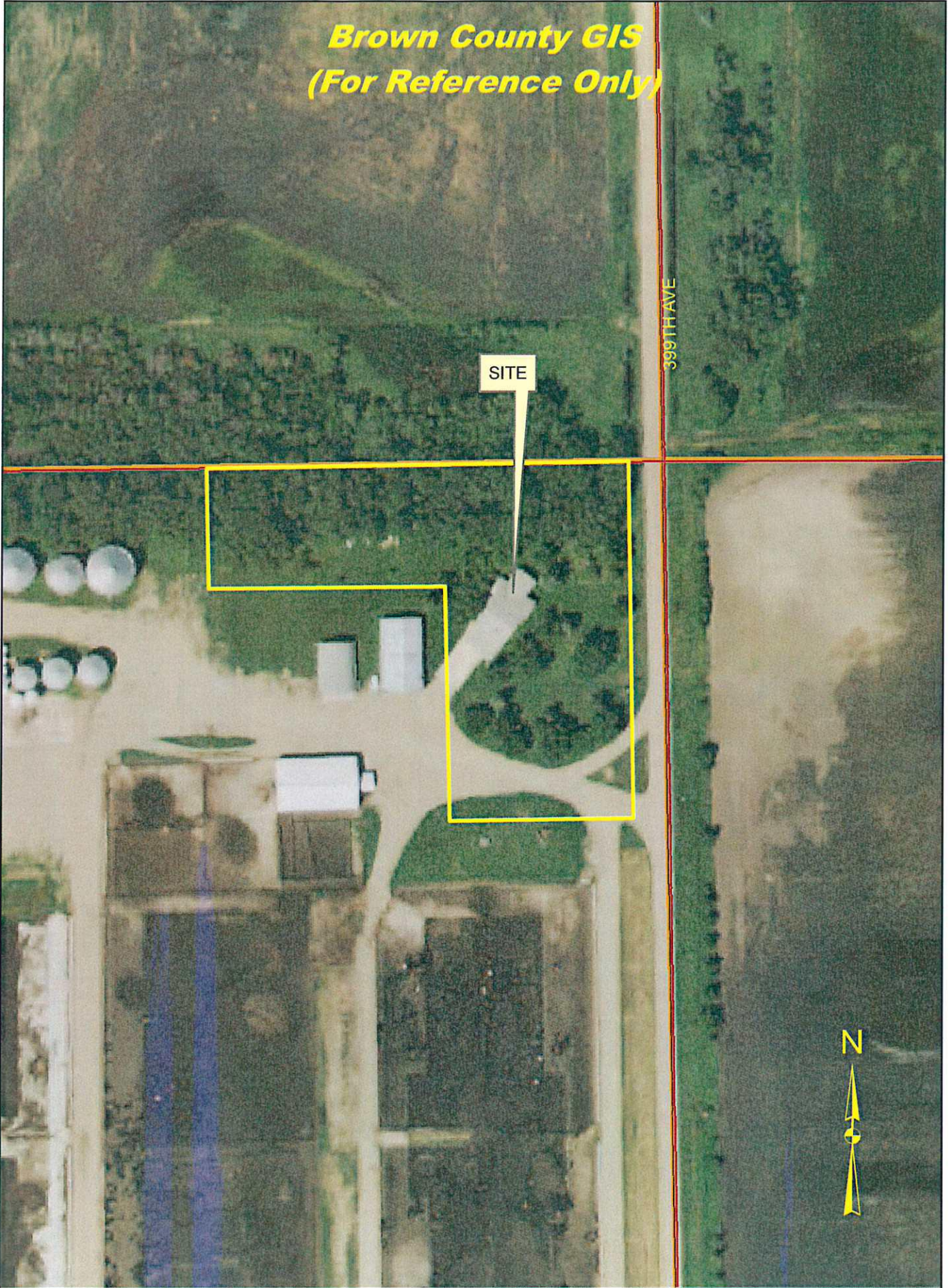
**Brown County GIS  
(For Reference Only)**



**Brown County GIS  
(For Reference Only)**

399TH AVE

SITE



**Cole Truebenbach**  
10653 399<sup>th</sup> Avenue  
Hecla, SD 57446

**Greenfield Township**  
Attn: Ron Maddocks  
10681 398<sup>th</sup> Avenue  
Hecla, SD 57446

**ARR LLC**  
PO Box 1121  
Aberdeen, SD, 57402-1121

**Mitch Truebenbach**  
12912 Ironwood Drive  
Aberdeen, SD 57401

**Wayne Krage**  
126895 East Shore Drive  
Aberdeen, SD 57401

Kimberly A. Dorsett  
Richardson Law Firm  
PO Box 1030  
Aberdeen SD 57402-1030

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St Suite 1 ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	

Date:	12/01/2023
Order Number:	9594249
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	47.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	12/06/2023 - 12/06/2023	Public Notices
ABD aberdeennews.com	1	12/06/2023 - 12/06/2023	Public Notices

Order Confirmation Amount

\$18.63

## Ad Preview

### NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex Basement Community Room, on December 19, 2023, at 7:00 P.M. Petitioner / Owner: Cole Truebenbach

Description of property: Proposed Lot 1, "Truebenbach Addition" in the SE1/4 of Section 2-T127N-R62W of the 5th P.M., Brown County, South Dakota (10653 399th Avenue, Greenfield Township). Reason: Variance to Lot Size to allow Lot 1 (2.50 acres) to be smaller than a minimum 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 6th day of December 2023.

Planning/Zoning Commission and Scott Bader - P&Z Director

25 Market Street  
Aberdeen, SD 57401

Office: (605) 626-7144

Published Dec. 6, 2023, at the total approximate cost of \$18.63 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

# STAFF REPORT

Meeting: December 19, 2023

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## **BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)**

**VARIANCE FOR LOT SIZE IN AG-P**

**ITEM #05**

*(Agriculture Preservation District (AG-P))*

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### **GENERAL INFORMATION:**

OWNER: Edward Hofer

PETITIONER: Edward Hofer

REQUEST: **VARIANCE FOR LOT SIZE IN AN  
AGRICULTURE PRESERVATION DISTRICT  
(AG-P)**

LEGAL DESCRIPTION: 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

ADDRESS: 39448 131<sup>st</sup> Street

CITY/TOWNSHIP: Bath 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

REPORTED BY: Chris Anderson

**GENERAL COMMENT:** The petitioner is requesting a Variance to 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) per Chapter 4.0605 of Brown County Ordinances.

**GENERAL REVIEW:** Staff has reviewed this request.



# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: November 30, 2023  
RECEIPT # 821843  
TOWNSHIP: Bath Twp.

FEES: \$125.00  
PAID: (YES/NO) (CHK/CASH)  
DATE: December 1, 2023

OWNERS SIGNATURE: Edward Hofer *Edward M. Hofer* 12/1/23  
OWNERS ADDRESS: 39448 131st Street  
OWNERS CITY, STATE, ZIP: Bath, SD 57427  
OWNERS PHONE: 605-228-0398

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

**REQUEST:** Variance to Lot Size to allow Lot 1 (9.370 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Zoning Ordinances

**LEGAL DESCRIPTION:** Proposed Lot 1, "Edward Hofer First Addition" in the S1/2 Section 6-T123N-R62W of the 5th P.M., Brown County, South Dakota (39448 131st Street; Bath Twp.)

**Planning Commission Action:** Approved / Denied \_\_\_\_\_

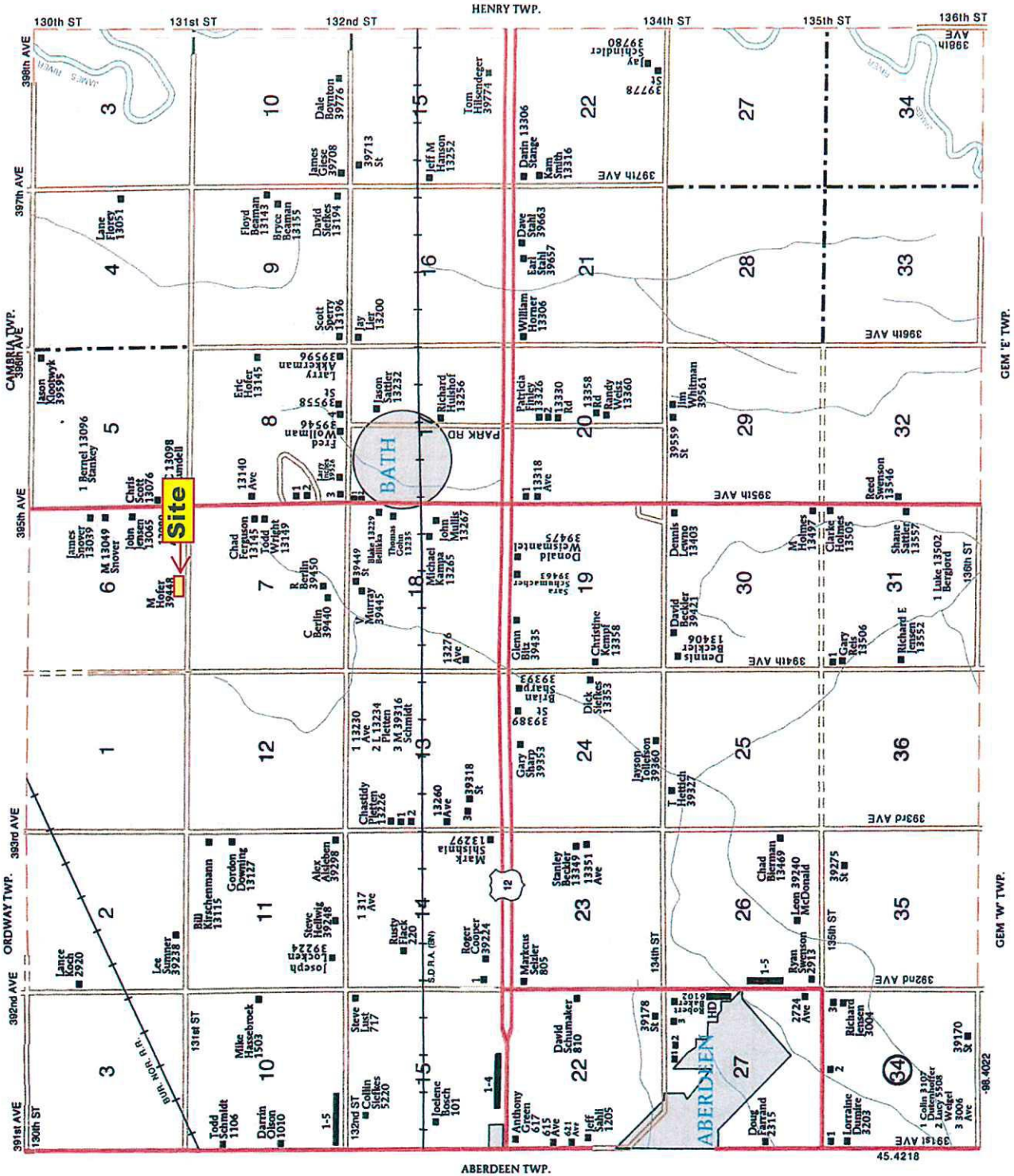
**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**HEARING DATE:** December 19, 2023 **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 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



- © Bath Township  
 SECTION 8  
 1 Haugen, James 13164  
 2 Kroll, John 13174  
 3 Monson, Steve 39510  
 4 Bruchner, David 39554  
 SECTION 10W  
 1 Bornemann, Kyle 5005  
 2 Dewey, Justin 5025  
 3 5091  
 4 Gross, Del 5115  
 5 Mathern, A 5219  
 SECTION 15W  
 1 5405  
 2 Eilers, Todd 5455  
 3 Ellingson, Malyrn 5485  
 4 Gossman, S 5755  
 SECTION 17  
 1 Buechler, Jerry 13228  
 2 Wolf, Justin 13230  
 SECTION 20  
 1 Westphal, Henry 13316  
 2 Rohrbach, Kevin 13328  
 SECTION 26  
 1 Belitka, Daryl 2111  
 2 Kohhaas, Paul 2135  
 3 Griese, Doug 2215  
 4 Bjorklund, Richard 2317  
 5 Paulson, David 2519  
 SECTION 27W  
 1 Caton, Caleb 5256  
 2 Johnson, K 5950

## NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex Basement Community Room, on December 19, 2023, at 7:00 P.M.

Petitioner / Owner: Edward Hofer

Description of property: 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 Township).

Reason: Variance to Lot Size to allow Lot 1 (9.37 acres) to be smaller than a minimum 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 6th day of December 2023.

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 \_\_\_\_\_.

(Hofer)

VARIANCE FINDINGS WORKSHEET

**Prong One**

*Whether granting the variance runs counter to the public interest?*

Consider the entire public— <i>not</i> just the neighbors	Findings		
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

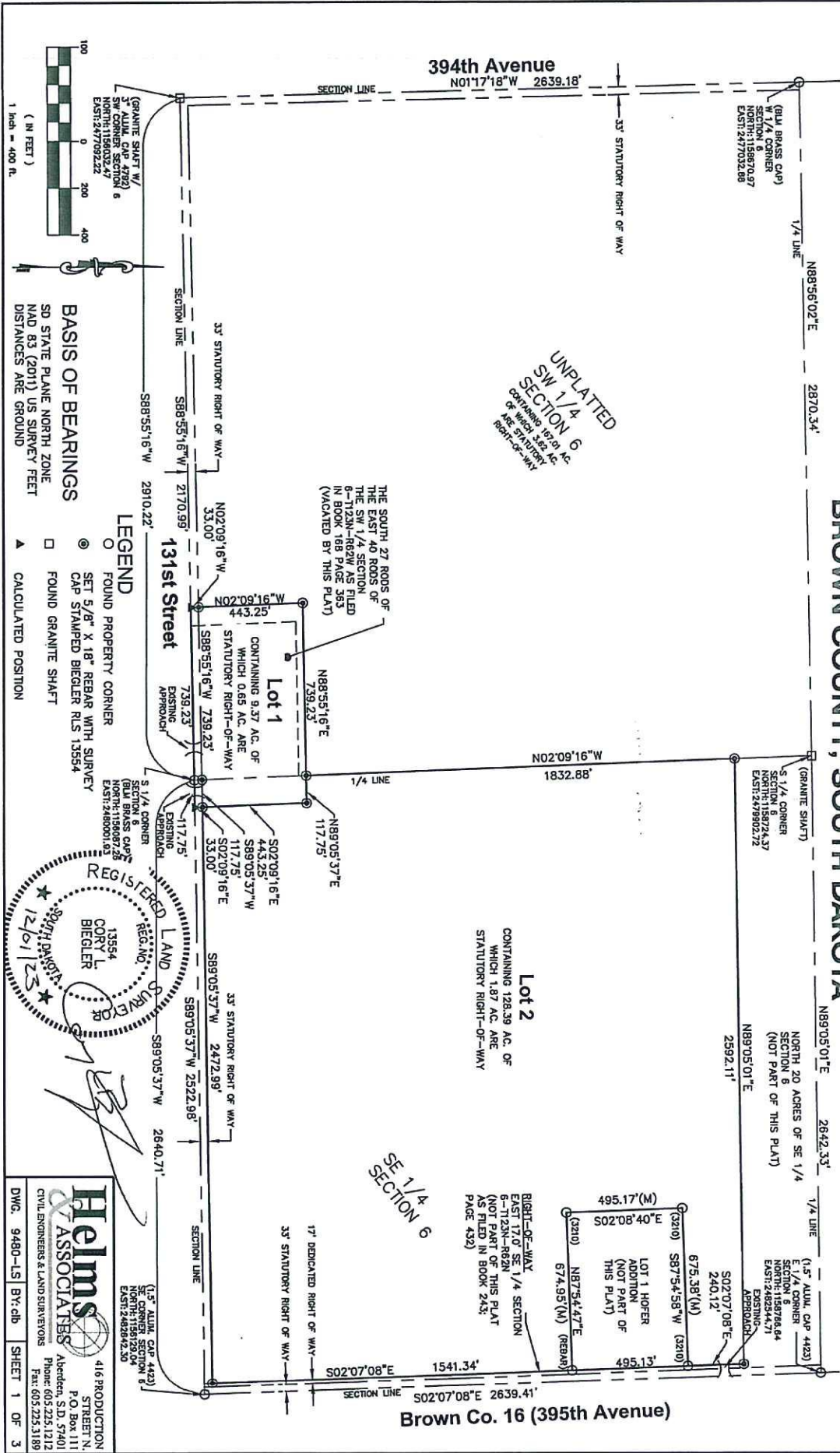
**Prong Two**

*Whether special conditions exist to grant a variance?*

Physical conditions— <i>not</i> money or econ hardship	Findings		
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It <b>must</b> be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does <b>not</b> mean money, econ hardship, or allowing a use that's prohibited ( <i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

# PLAT OF EDWARD HOFER FIRST ADDITION IN THE S 1/2 OF SECTION 6-T123N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

A-9480



UNPLATTED  
S 1/2 SW 1/4  
SECTION 6  
CONTAINING 10.91 AC.  
OF WHICH 3.82 AC.  
ARE STATUTORY  
RIGHT-OF-WAY

**Lot 2**  
CONTAINING 128.39 AC. OF WHICH 1.87 AC. ARE STATUTORY RIGHT-OF-WAY

**RIGHT-OF-WAY**  
EAST 176' OF SE 1/4 SECTION 6-T123N-R62W (NOT PART OF THIS PLAT AS FILED IN BOOK 243, PAGE 432)

**Helms & Associates**  
CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION STREET N.  
P.O. Box 111  
Aberdeen, S.D. 57401  
Phone: 605.225.1212  
Fax: 605.225.3189

DWG. 9480-LS1 BY: cjb SHEET 1 OF 3

PLAT OF  
**EDWARD HOFER FIRST ADDITION**  
IN THE S 1/2 OF SECTION 6-T123N-R62W OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA

**HIGHWAY AUTHORITY CERTIFICATE**

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: \_\_\_\_\_  
HIGHWAY AUTHORITY

TITLE: \_\_\_\_\_

**HIGHWAY ACCESS CERTIFICATE**

EXISTING ACCESS TO \_\_\_\_\_ 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.

BY: \_\_\_\_\_  
HIGHWAY OR STREET AUTHORITY

TITLE: \_\_\_\_\_

**DIRECTOR OF EQUALIZATION'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

**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 1 DAY OF December, 2023.

  
\_\_\_\_\_  
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

**REGISTER OF DEED'S CERTIFICATE**

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_, AND DULY RECORDED IN HANGING PLATS NO. \_\_\_\_\_

\_\_\_\_\_  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

# PLAT OF EDWARD HOFER FIRST ADDITION IN THE S 1/2 OF SECTION 6-T123N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

### OWNER'S CERTIFICATE

I, EDWARD MALCOLM HOFER, DO HEREBY CERTIFY THAT I AM THE OWNER OF SE 1/4 OF SECTION 6-T123N-R62W OF THE 5TH P.M., (WITH EXCEPTIONS OF THE NORTH 20 ACRES THEREOF, AND LOT 1, HOFER ADDITION IN THE SE 1/4 OF SECTION 6-T123N-R62W OF THE 5TH P.M., AND THAT PORTION DEEDED FOR HIGHWAY PURPOSES AS CREATED IN BOOK 243 OF DEEDS, PAGE 432) BROWN COUNTY, SOUTH DAKOTA,

AND THE SW 1/4 OF SECTION 6-T123N-R62W OF THE 5TH P.M., (WITH EXCEPTION TO THE SOUTH 27 RODS OF THE EAST 40 RODS OF THE SW 1/4 SECTION 6-T123N-R62W AS FILED IN BOOK 168 PAGE 363) BROWN COUNTY, SOUTH DAKOTA

AND THE SOUTH 27 RODS OF THE EAST 40 RODS OF THE SW 1/4 SECTION 6-T123N-R62W (AS FILED IN BOOK 168 PAGE 363) BROWN COUNTY, SOUTH DAKOTA

AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS: EDWARD HOFER FIRST ADDITION IN THE S 1/2 OF SECTION 6-T123N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND I HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, I, EDWARD MALCOLM HOFER DO HEREBY VACATE SE 1/4 OF SECTION 6-T123N-R62W OF THE 5TH P.M., (WITH EXCEPTIONS OF THE NORTH 20 ACRES THEREOF, AND LOT 1, HOFER ADDITION IN THE SE 1/4 OF SECTION 6-T123N-R62W OF THE 5TH P.M., AND THAT PORTION DEEDED FOR HIGHWAY PURPOSES AS CREATED IN BOOK 243 OF DEEDS, PAGE 432) BROWN COUNTY, SOUTH DAKOTA,

AND THE SOUTH 27 RODS OF THE EAST 40 RODS OF THE SW 1/4 SECTION 6-T123N-R62W (AS FILED IN BOOK 168 PAGE 363) BROWN COUNTY, SOUTH DAKOTA

*Edward M. Hofer*

EDWARD MALCOLM HOFER

Signed this 1 day of December 2023

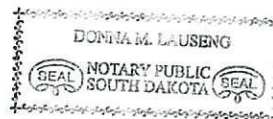
### ACKNOWLEDGMENT

STATE OF South Dakota  
COUNTY OF Brown )SS

ON THIS THE 1st DAY OF December, 2023, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED EDWARD MALCOLM HOFER KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: 02/13/2026  
*Donna M. Lauseng*  
NOTARY PUBLIC



### SURVEYOR'S CERTIFICATE

I, CORY L. BIEGLER, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNER(S), I HAVE SURVEYED AND PLATTED "EDWARD HOFER FIRST ADDITION IN THE S 1/2 OF SECTION 6-T123N-R62W 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. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 1 DAY OF December, 2023

*Cory L. Biegler*  
CORY L. BIEGLER RLS #13554

### COUNTY PLANNING COMMISSION CERTIFICATION

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 AT A MEETING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING EDWARD HOFER FIRST ADDITION IN THE S 1/2 OF SECTION 6-T123N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

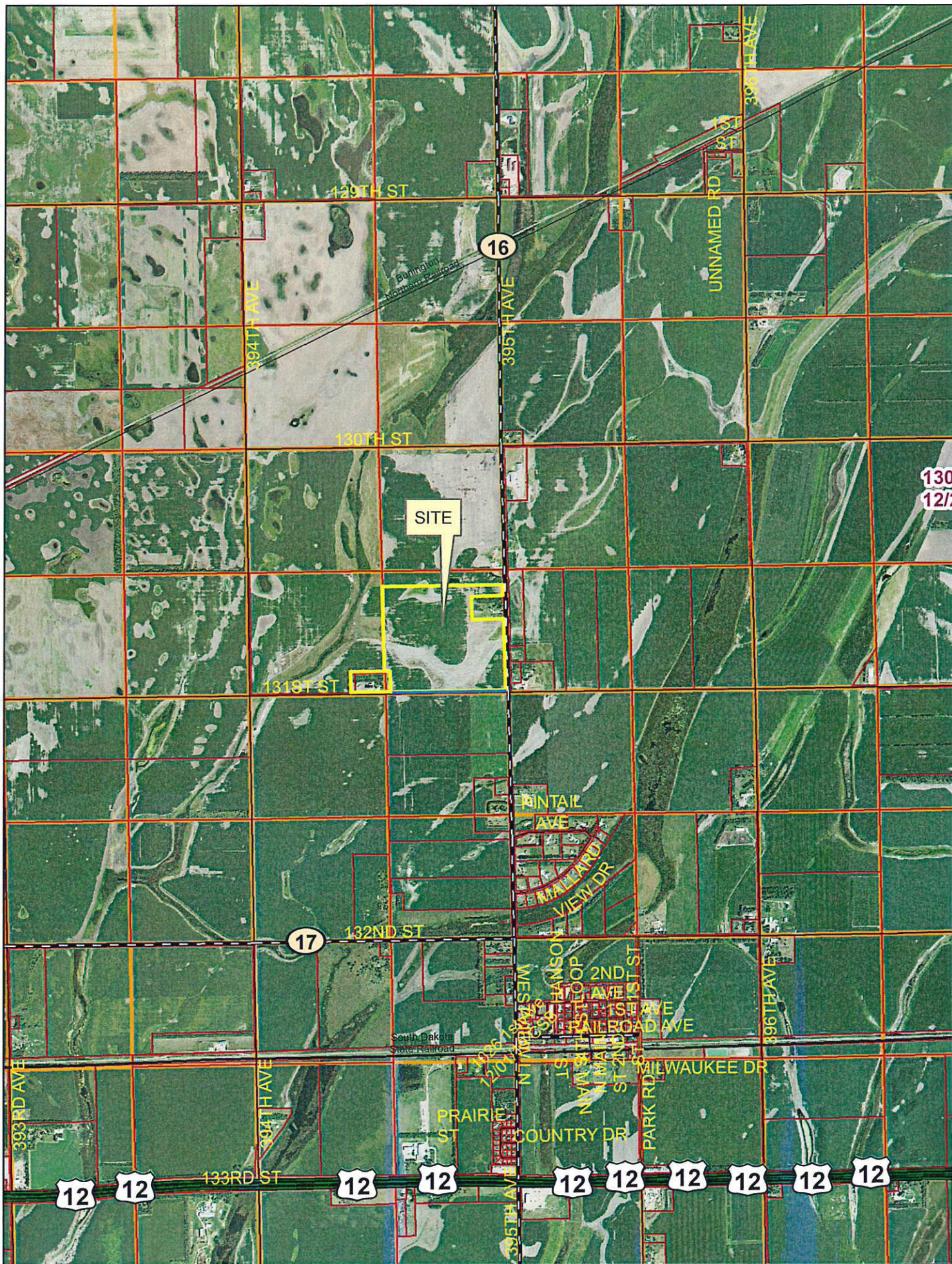
\_\_\_\_\_  
SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

### APPROVAL BY COUNTY

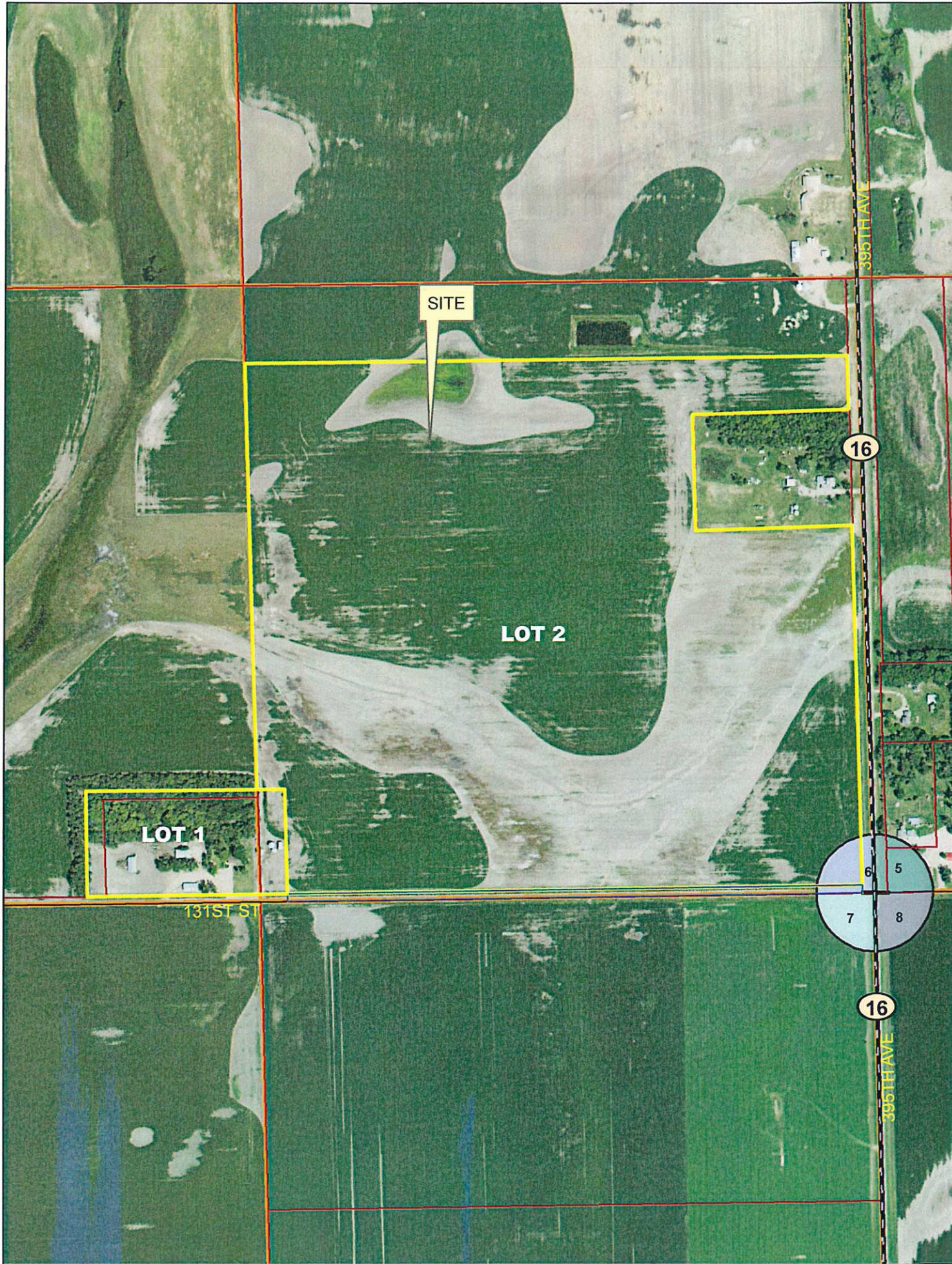
I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING EDWARD HOFER FIRST ADDITION IN THE S 1/2 OF SECTION 6-T123N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

\_\_\_\_\_  
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA







SITE

LOT 2

LOT 1

16

131ST ST

16

395TH AVE



Edward Hofer  
39448 131<sup>st</sup> Street  
Bath SD 57427

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

Kampa Family Land, LLLP  
13943 401<sup>st</sup> Avenue  
Groton SD 57445

Dennis Jones  
12954 396<sup>th</sup> Avenue  
Bath SD 57427



# Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St Suite 1 ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	Hearing 12/19

Date:	12/01/2023
Order Number:	9594616
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	47.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	12/06/2023 - 12/06/2023	Govt Public Notices
ABD aberdeennews.com	1	12/06/2023 - 12/06/2023	Govt Public Notices

Order Confirmation Amount

\$18.63

## Ad Preview

### NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex Basement Community Room, on December 19, 2023, at 7:00 P.M.

Petitioner / Owner:

Edward Hofer

Description of property: Proposed Lot 1, "Edward Hofer First Addition" in the S1/2 of Section 6-T123N-R62W of the 5th P.M., Brown County, South Dakota (39448 131st Street, Bath Township).

Reason: Variance to Lot Size to allow Lot 1 (9.37 acres) to be smaller than a minimum 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 6th day of December 2023.

Planning/Zoning Commission and Scott Bader – P&Z Director

25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published Dec. 6, 2023, at the total approximate cost of \$18.63 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

# STAFF REPORT

Meeting: December 19, 2023

---

## **BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)**

**VARIANCE FOR LOT SIZE IN AG-P**

**ITEM #06**

*(Agriculture Preservation District (AG-P))*

---

### **GENERAL INFORMATION:**

OWNER:	Kenneth & Carol Miller
PETITIONER:	Dennis Feickert
REQUEST:	<b>VARIANCE FOR LOT SIZE IN AN AGRICULTURE PRESERVATION DISTRICT (AG-P)</b>
LEGAL DESCRIPTION:	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
ADDRESS:	12748 384 <sup>th</sup> Avenue
CITY/TOWNSHIP:	Lincoln Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Mini-Agriculture District (M-AG)
West:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

**GENERAL COMMENT:** The petitioner is requesting a Variance to 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) per Chapter 4.0605 of Brown County Ordinances for storage of grain, equipment or livestock.

**GENERAL REVIEW:** Staff has reviewed this request.

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: November 30, 2023 FEES: \$125.00  
RECEIPT # ~~821848~~ 821848 PAID:  YES / NO  CHK / CASH  
TOWNSHIP: Lincoln Twp DATE: 12/6/2023

OWNERS SIGNATURE: Kenneth & Carol Miller *Carol Miller*  
OWNERS ADDRESS: 38427 128th Street  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-380-8177 (Ken)

AGENTS SIGNATURE: Dennis Feickert *Dennis Feickert*  
AGENTS ADDRESS: 38479 129th Street  
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401  
AGENTS PHONE: 605-216-3451

**REQUEST:** Variance to 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) per Chapter 4.0605 of Zoning Ordinances

**LEGAL DESCRIPTION:** Proposed Lot 1, "D. Feickert Addition" in the NW1/4 of Section 21-T124N-R64W of the 5th P.M., Brown County, South Dakota (12748 384th Avenue; Lincoln Twp)

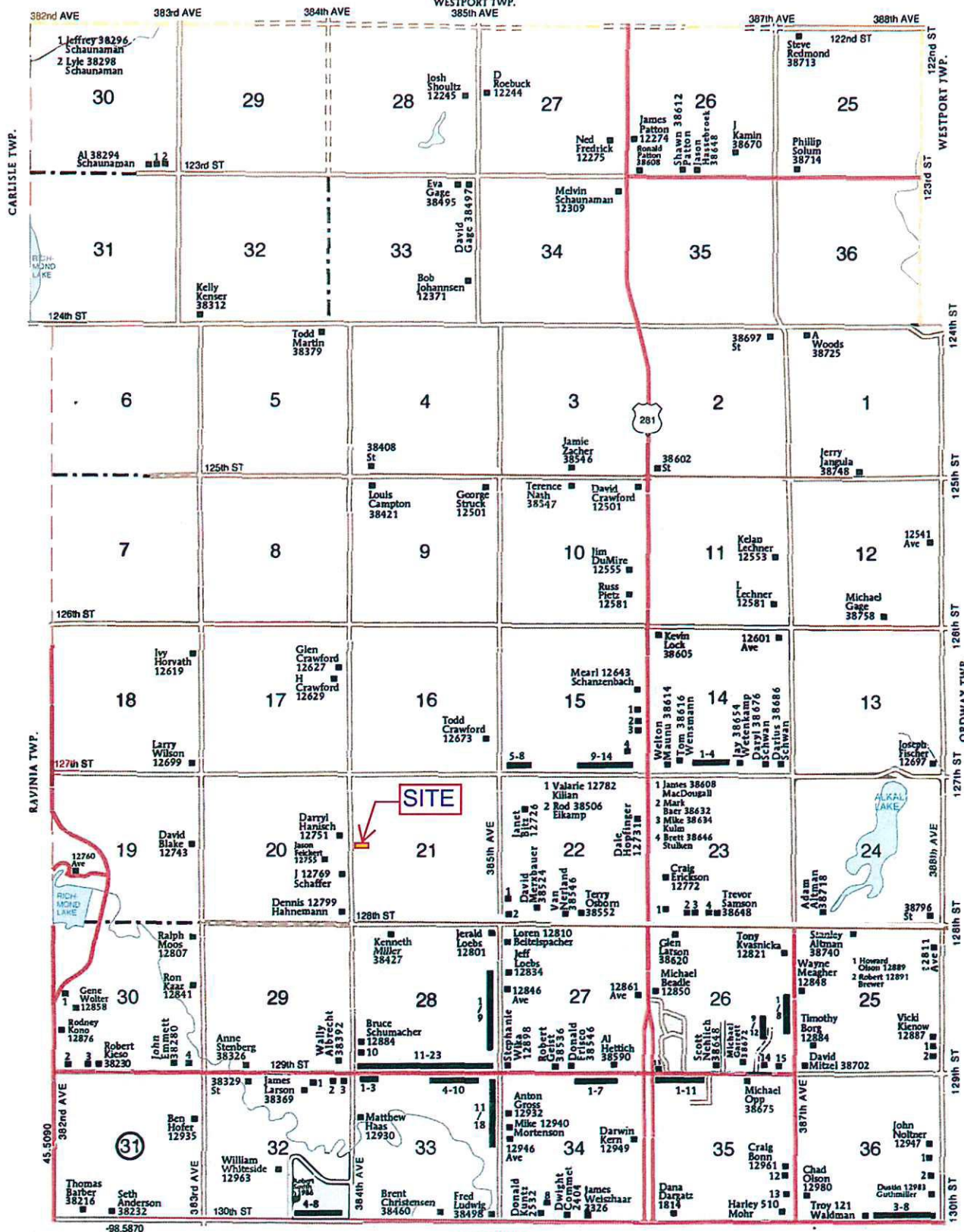
**Planning Commission Action:** Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

**HEARING DATE:** December 19, 2023 **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 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

(Residents - Owners or Renters)



LINCOLN TOWNSHIP

SECTION 14

- 1 Merriman, Rich 38620
- 2 Carlson, Perry 38630
- 3 Allbee, K 38632
- 4 Mount, Bill 38634

SECTION 15

- 1 Schaunaman, Mysty 12657
- 2 Berg, Tom 12663
- 3 Heath, Pat 12667
- 4 Kiesz, Marvin 12685
- 5 Sawatzky, Michael 38502

SECTION 16

- 6 Carroll, Jared 38504
- 7 Frohling, Leslie 38512
- 8 Kamphus, Dustin 38518
- 9 Williams, Eugene 38552
- 10 Black, Casey 38556
- 11 Mitzel, Michael 38560
- 12 Malsam, Adam 38570
- 13 Neilson, Mark 38574
- 14 Madsen, Scott 38576

SECTION 26S

- 1 Welenkamp, Lloyd D 12847
- 2 Hedges, Kendall 38693

SECTION 27

- 3 Labay, Richard 12851
- 4 Kolb, Myron 12855
- 5 Heldrich, Asher 12857
- 6 Wacholz, B 12861
- 7 Simonson, Lee 12869
- 8 Rychlik, Travis 12875
- 9 Keller, Mike 12862
- 10 Matthews, Joshua 12866
- 11 Vetch, David 12870
- 12 Call, Ty 12874

SECTION 28

- 1 Johnson, Brandon 38608
- 14 Wahl, Eldon 38686

SECTION 29

- 15 Kaan, Jason 38690

SECTION 28S

- 1 Drageset, Jamie 12833
- 2 Adolf, Gregory 12839
- 3 Hoeltzner, Curtis 12843
- 4 Wilkie, Chad 12845
- 5 Caring, Cartor 12853
- 6 Vining, Brad 12861
- 7 Aman, Dwight 12871
- 8 Kotzea, Dale 12881
- 9 Rau, Scott 12891
- 10 Bulsing, Bren 12888

SECTION 30S

- 11 Blitz, Marvin 38404
- 12 Gab, Dale 38406
- 13 Poor, Dustin 38412
- 14 Schauer, Shane 38414
- 15 Bellikka, Neil 38424
- 16 Royer, Toby 38434
- 17 Jakober, Glenn 38452
- 18 Buechler, Todd 38460
- 19 Siefken, Lon 38464
- 20 Habeck, F 38474
- 21 Kamm, Casey 38478
- 22 Waage, Adam 38484

SECTION 30S

- 23 Peterson, Kenneth 38488
- 1 Odde, Kirby 12852
- 2 Schlagel, Gene 38206
- 3 38228
- 4 Mandel, Lonnie 38294

SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

## NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex Basement Community Room, on December 19, 2023, at 7:00 P.M.

Petitioner / Owner: Dennis Feickert / Kenneth & Carol Miller

Description of property: 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 Township).

Reason: Variance to Lot Size to allow Lot 1 (3.00 acres) to be smaller than a minimum 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 6th day of December 2023.

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 \_\_\_\_\_.



# (Feickert)

## VARIANCE FINDINGS WORKSHEET

### **Prong One**

*Whether granting the variance runs counter to the public interest?*

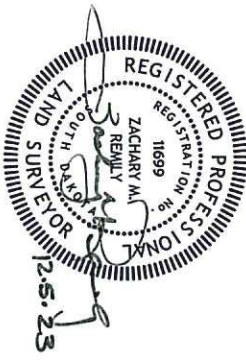
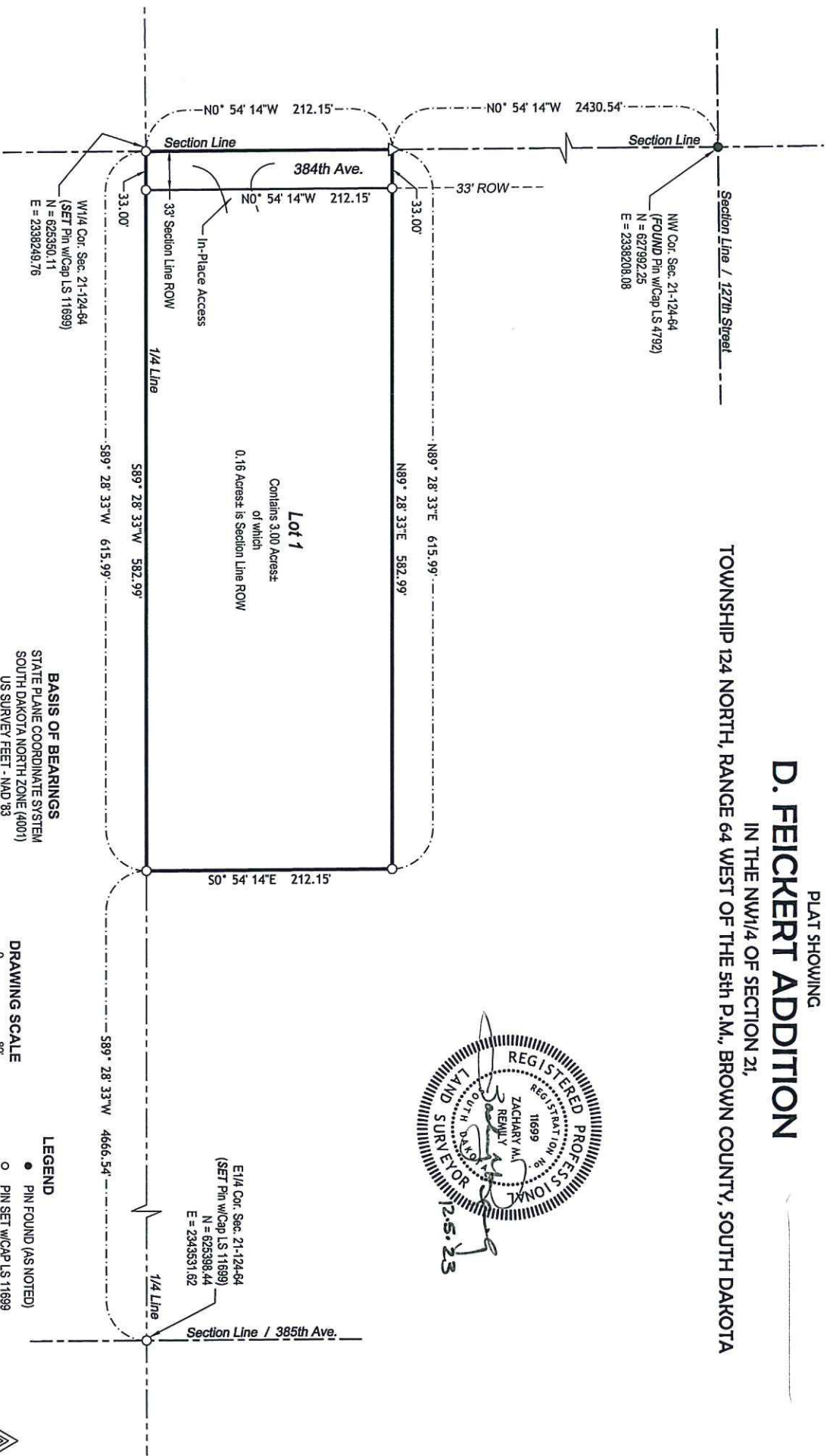
Consider the entire public— <i>not</i> just the neighbors	Findings		
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

### **Prong Two**

*Whether special conditions exist to grant a variance?*

Physical conditions— <i>not</i> money or econ hardship	Findings		
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It <b>must</b> be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does <b>not</b> mean money, econ hardship, or allowing a use that's prohibited ( <i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

PLAT SHOWING  
**D. FEICKERT ADDITION**  
 IN THE NW1/4 OF SECTION 21,  
 TOWNSHIP 124 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

**Assurance**  
 LAND SURVEYING

Prepared By:  
 619 14th Avenue S, Faulkton, South Dakota 57438  
 Phone: 605-290-3090 / Email: zach@assuranceandsurveying.com  
 Project No. ALS23136  
 Field Survey Date: 11-28-2023

PLAT SHOWING

D. FEICKERT ADDITION

IN THE NW1/4 OF SECTION 21, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Kenneth E. Miller and Carol A. Miller, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby certify that we are the owners of the Northwest Quarter (NW1/4) Section Twenty-One (21) [EXCEPT the North 695' of the NW1/4], Township One Hundred Twenty-Four (124) 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:

"D. FEICKERT ADDITION IN THE NW1/4 OF SECTION 21, TOWNSHIP 124 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: Kenneth E. Miller

Owner: Carol A. Miller

Signature: Kenneth E. Miller

Signature: Carol A. Miller

Signed this 6 day of Dec, 2023

Signed this 6 day of Dec, 2023

COUNTY OF BROWN )
STATE OF SOUTH DAKOTA ) SS

COUNTY OF BROWN )
STATE OF SOUTH DAKOTA ) SS

On this the 6th day of DECEMBER, 2023, before me, RON KELLER, the undersigned officer, personally appeared Kenneth E. Miller known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

On this the 6th day of DECEMBER, 2023, before me, RON KELLER, the undersigned officer, personally appeared Carol A. Miller known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027

My Commission Expires: 11/2/2027

Notary Public: Ron Keller

Notary Public: Ron Keller

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:

"D. FEICKERT ADDITION IN THE NW1/4 OF SECTION 21, TOWNSHIP 124 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.

Signature: Zachary M. Remily, LS 1699

Signed this 6th day of December, 2023

TOWNSHIP HIGHWAY APPROVAL

"Existing Access to 384th 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."

Signature: Bruce Schumacher, Supervisor

Signature: [Handwritten Signature]

Signed this 6 day of Dec, 2023

# D. FEICKERT ADDITION

IN THE NW1/4 OF SECTION 21, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5th P.M.,  
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:

**"D. FEICKERT ADDITION IN THE NW1/4 OF SECTION 21,  
TOWNSHIP 124 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:

**"D. FEICKERT ADDITION IN THE NW1/4 OF SECTION 21,  
TOWNSHIP 124 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."

### 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

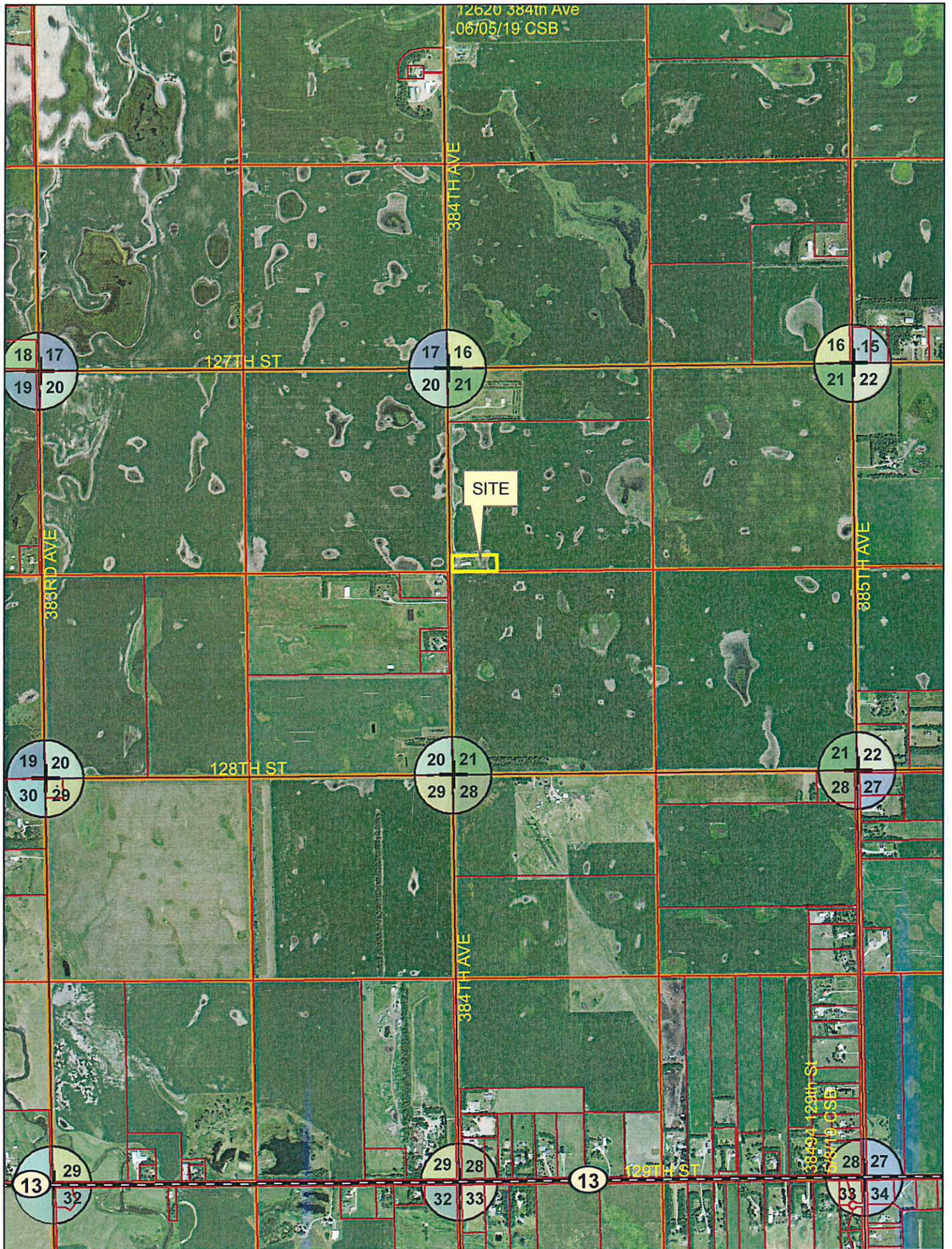
### REGISTER OF DEEDS' CERTIFICATE

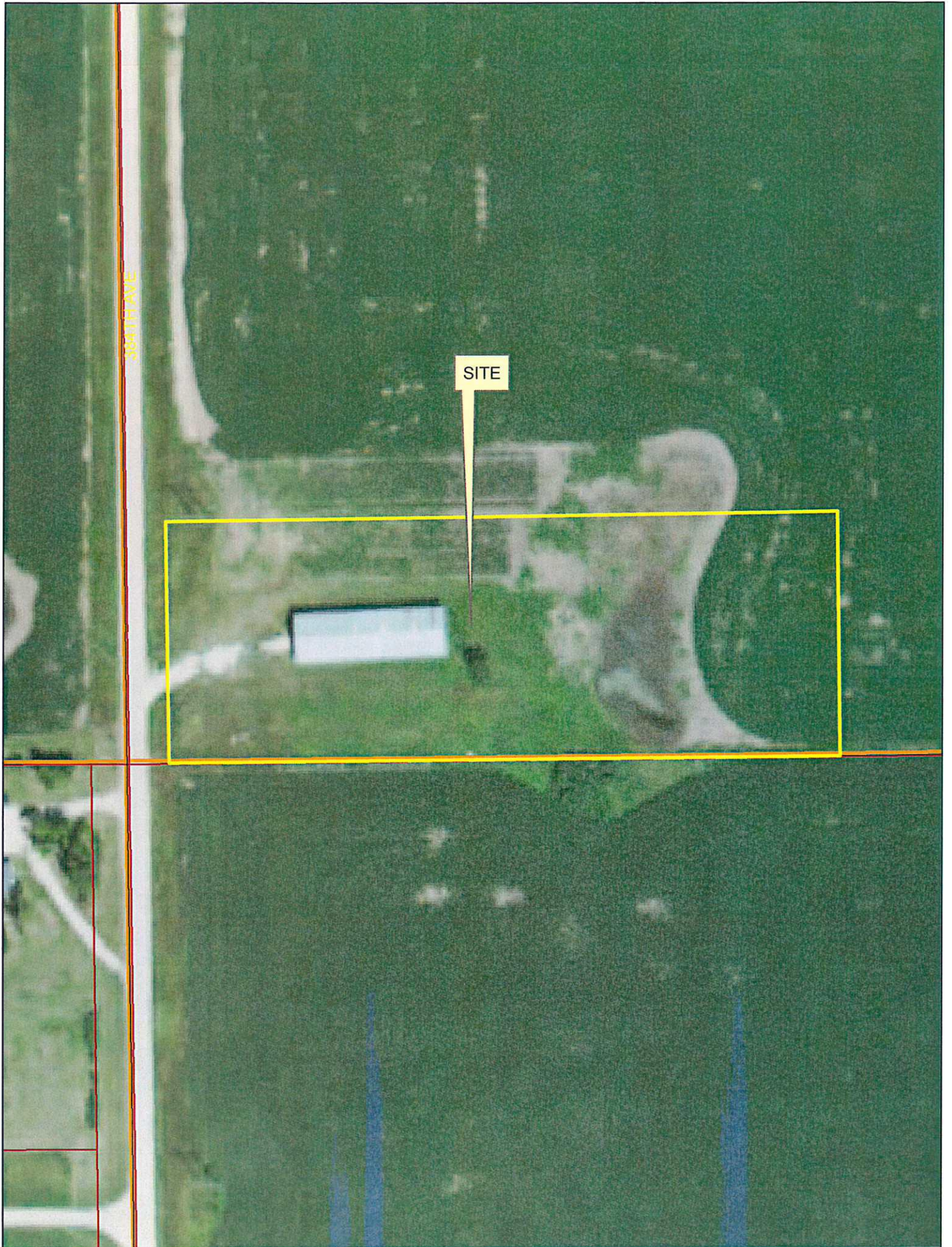
Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

at \_\_\_\_\_ O'clock \_\_\_\_ M., and duly recorded as Hanging

Plat No. \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
Brown County, South Dakota





SITE

384TH AVE

**Kenneth & Carol Miller**

38427 128<sup>th</sup> Street  
Aberdeen, SD 57401

**Lincoln Township**

Attn: Jeff Schaunaman  
38296 123<sup>rd</sup> Street  
Aberdeen, SD 57401

**Merxbauer Farms LLC**

38524 128<sup>th</sup> Street  
Aberdeen, SD 57401

**Shirley Hanisch**

12751 384<sup>th</sup> Avenue  
Aberdeen, SD 57401

**Sharon Frederickson**

PO Box 437  
Britton, SD 57430-0437



# Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St Suite 1 ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	

Date:	12/01/2023
Order Number:	9594252
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	48.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	12/06/2023 - 12/06/2023	Public Notices
ABD aberdeennews.com	1	12/06/2023 - 12/06/2023	Public Notices

Order Confirmation Amount

\$18.92



## Ad Preview

**NOTICE OF HEARING**  
Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex Basement Community Room, on December 19, 2023, at 7:00 P.M.  
Petitioner / Owner: Dennis Feickert / Kenneth & Carol Miller

Description of property: Proposed Lot 1, "D. Feickert Addition" in the NW1/4 of Section 21-T124N-R64W of the 5th P.M., Brown County, South Dakota (12748 384th Avenue, Lincoln Township).  
Reason: Variance to Lot Size to allow Lot 1 (3.00 acres) to be smaller than a minimum 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 6th day of December 2023.

Planning/Zoning Commission and Scott Bader - P&Z Director

25 Market Street

Aberdeen, SD 57401

Office: (605) 626-7144

Published Dec. 6, 2023, at the total approximate cost of \$18.92 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)

# STAFF REPORT

Meeting: December 19, 2023

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## ***BROWN COUNTY PLANNING COMMISSION***

**REZONE PARCEL FROM:**

**ITEM #10**

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

---

**GENERAL INFORMATION:**

OWNER:

William Wulff

PETITIONER:

William Wulff

REQUEST:

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

LEGAL DESCRIPTION:

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

ADDRESS:

13159 395<sup>th</sup> Avenue

CITY/TOWNSHIP:

Bath 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:

Heavy Industrial District (HI) & Rural Urban District (RU)

PUBLIC UTILITIES:

WEB 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 December 19, 2023, at 7:00 P.M.

Petitioner: William Wulff

Description of property: 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.).

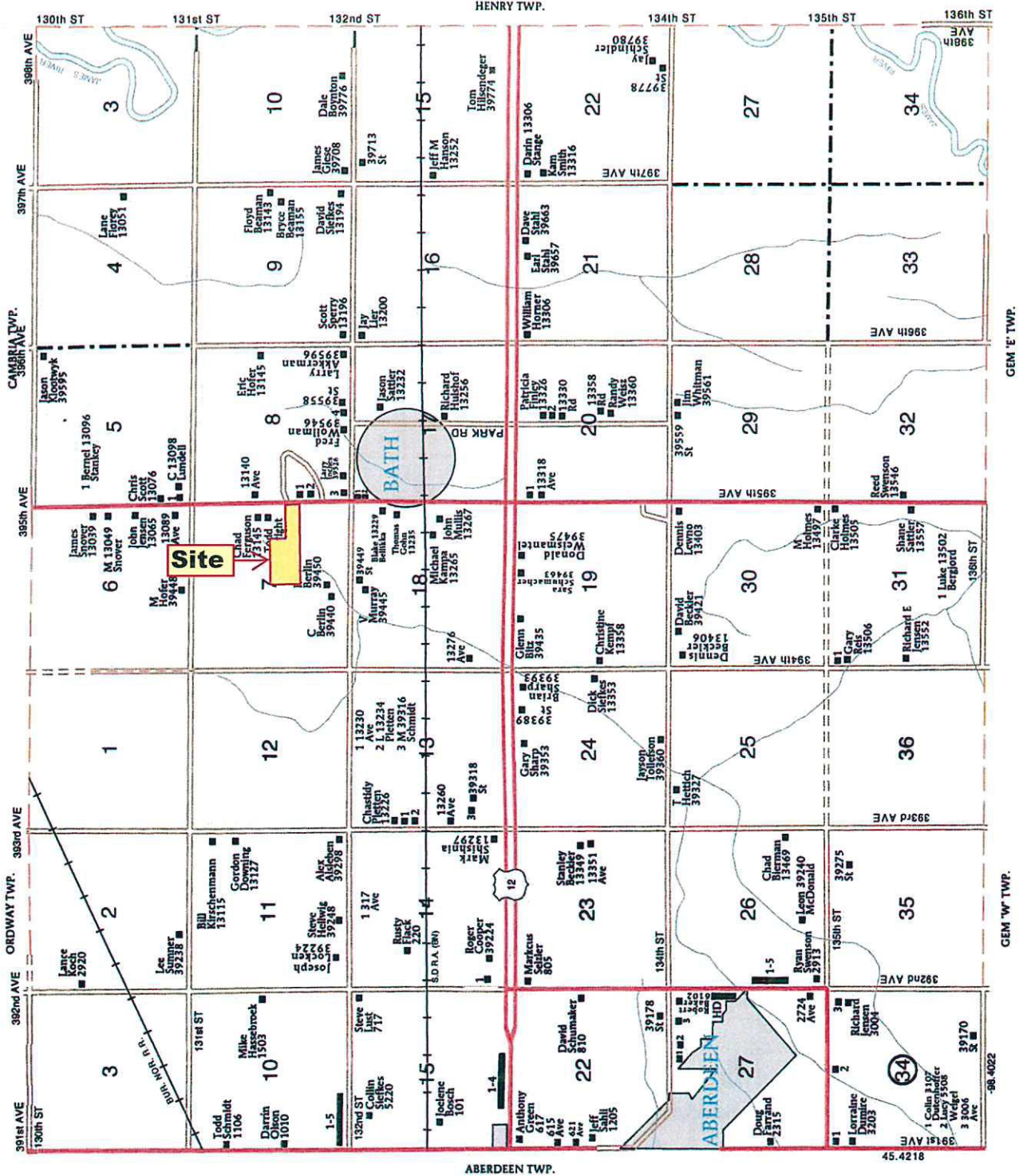
Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

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 6<sup>th</sup> day of December 2023.*

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 \_\_\_\_\_.



- BATH TOWNSHIP**  
**SECTION 8**  
 1 Hargren, 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 5091  
 4 Gross, Del 5115  
 5 Mathern, A 5219  
**SECTION 15W**  
 1 5405  
 2 Eilers, Todd 5455  
 3 Ellingson, Malyrn 5485  
 4 Gossman, S 5755  
**SECTION 17**  
 1 Buechler, Jerry 13228  
 2 Wolf, Justyn 13230  
**SECTION 20**  
 1 Westphal, Henry 13316  
 2 Rohrbach, Kevin 13328  
**SECTION 26**  
 1 Beilikka, Daryl 2111  
 2 Kohlihaas, Paul 2135  
 3 Griese, Doug 2215  
 4 Bjorklund, Richard 2317  
 5 Paulson, David 2519  
**SECTION 27W**  
 1 Canton, Caleb 5256  
 2 Johnson, K 5950

**REZONE PETITION**

BROWN COUNTY COMMISSION  
25 MARKET ST  
ABERDEEN, SD 57401

Petition No: \_\_\_\_\_  
Date: \_\_\_\_\_  
Receipt: 821842  
Filing Fee: \$350  
(non-refundable)

Brown County Commission Members:

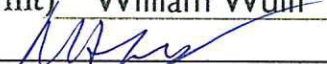
I/We the undersigned, do hereby petition the Brown County Commission of Brown County, South Dakota to rezone property as follows:

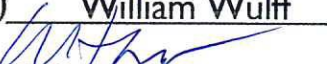
Legal Description:

Lot 1, " Wulff First Subdivision" in the SE1/4 of Section 7-T123N-R62W  
of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 13159 395th Avenue  
From the Agriculture Preservation District  
To the Mini-Agriculture District

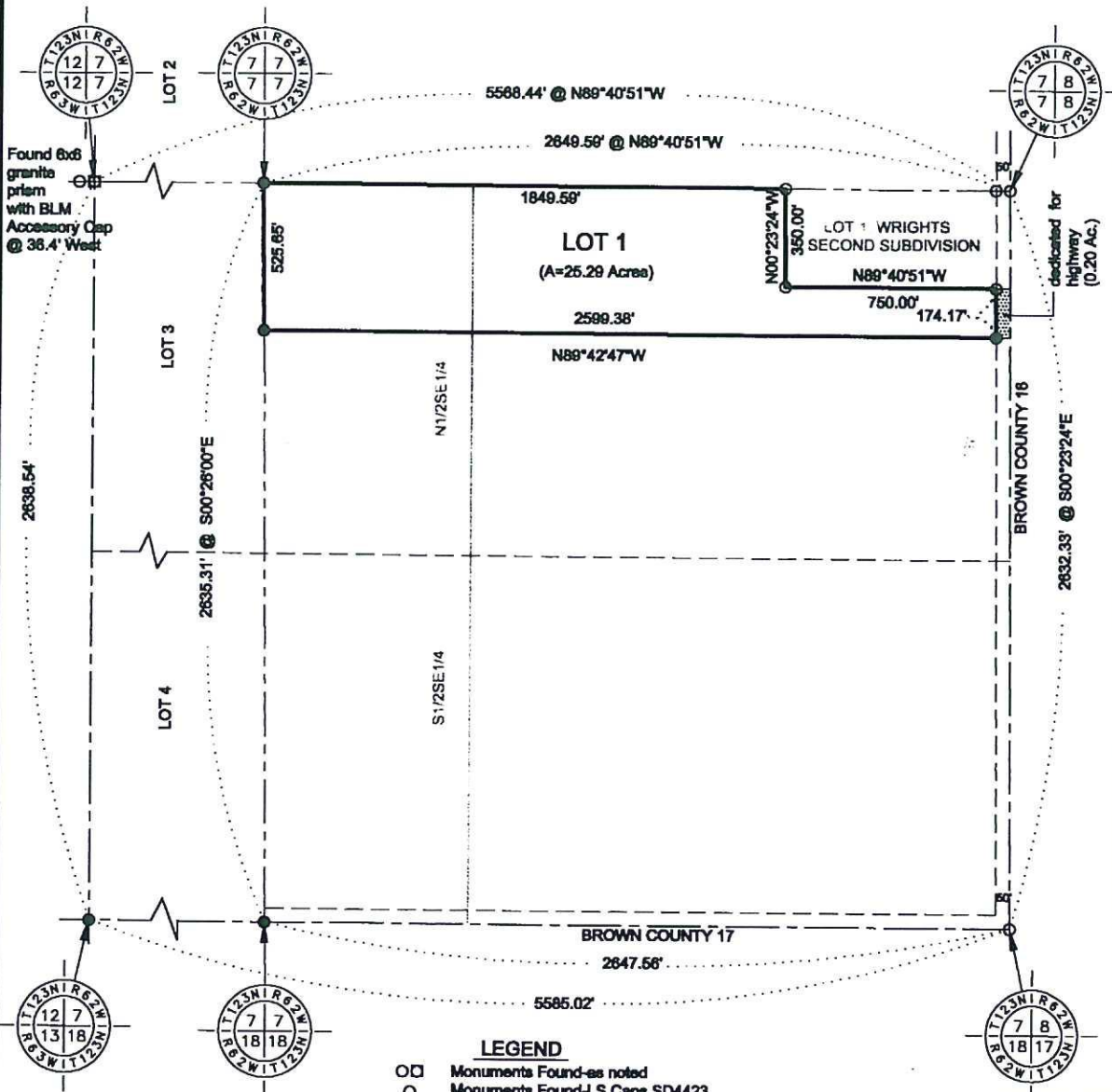
Purpose: To Bring into Compliance  
Size of Parcel: 25.2 Acres  
Existing Land Use: Mini-Agriculture

Petitioner: (Print) William Wulff  
Signature:   
Date: \_\_\_\_\_ Phone: 360-376-6011  
Address: PO Box 968  
Eastsound WA 98245  
City State Zip

Owner: (Print) William Wulff  
Signature:   
Date: \_\_\_\_\_ Phone: 360-376-6011  
Address: PO Box 968  
Eastsound WA 98245  
City State Zip

Additional Signatures may be submitted on a separate page.

**WULFF FIRST SUBDIVISION IN  
SE1/4 SEC. 7-T123N-R62W of 5th P.M.  
BROWN COUNTY, SOUTH DAKOTA**



**LEGEND**

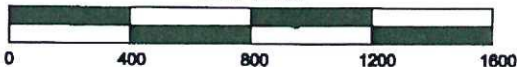
- Monuments Found-as noted
- Monuments Found-LS Caps SD4423

Monuments Set:  
● 5/8"Ø rebar w/cap SD1641

Basis of Bearings:  
WRIGHTS SECOND SUBDIVISION  
(Plat #2008H)



Scale: 1"=400'



Found Spike and Washer SD 4792



*Francis E. Brink*  
2-27-2006

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

**OWNER'S CERTIFICATE**

I, MELANIE DeBIDDLE, Successor Trustee of the Wulff Family Trust, hereby certify that the Wulff Family Trust is the owner of the North Half of the Southeast Quarter (N1/2SE1/4) of Section 7, Township 123 North, Range 62 West of the 5<sup>th</sup> P.M., except the South 792 feet thereof and Lot 1, Wrights Second Subdivision in the SE1/4 of Section 7-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota, and that I did authorize a survey and plat of the above described lands, which shall hereafter be known as "WULFF FIRST SUBDIVISION IN SE1/4 SEC. 7-T123N-R62W of the 5<sup>th</sup> 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. Lands shown as dedicated for highway are dedicated to the perpetual use of the public for highway.

Melanie DeBiddle  
Melanie DeBiddle, Trustee for the Wulff Family Trust

3/13/06  
Date



**ACKNOWLEDGEMENT OF OWNERS**

STATE OF WASHINGTON )  
COUNTY OF CLALLAM )

On this, the 13<sup>th</sup> day of March, 2006, before me, ~~Melanie~~ Heather S. Finch, a Notary Public, appeared Melanie DeBiddle, personally known to me or satisfactorily proven to me to be the Trustee of the Wulff Family Trust, and she as such Trustee, being authorized so to do, executed the above OWNER'S CERTIFICATE and acknowledged to me that she executed the same.

My Commission Expires: 12-3-2008

Heather S. Finch  
Notary Public, State of Washington

**SURVEYOR'S CERTIFICATE**

I, Francis E. Brink, Licensed Land Surveyor, do hereby certify that at the request of the Owners shown above, have surveyed and platted "WULFF FIRST SUBDIVISION IN SE1/4 SEC. 7-T123N-R62W of 5<sup>th</sup> 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 27<sup>th</sup> day of February, 2006

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 21<sup>st</sup> day of March, 2006.

Evelyn Todd  
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 "WULFF FIRST SUBDIVISION IN SE1/4 SEC. 7-T123N-R62W of 5<sup>th</sup> 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 4 day of April, 2006.

Melanie Bryant  
County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "WULFF FIRST SUBDIVISION IN SE1/4 SEC. 7-T123N-R62W of 5<sup>th</sup> 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 3 day of April, 2006.

Lori Silliman  
County Treasurer, Brown County, South Dakota

**DIRECTOR OF EQUALIZATION'S CERTIFICATION**

I hereby certify that I have received a copy of this plat this 5 day of April, 2006.

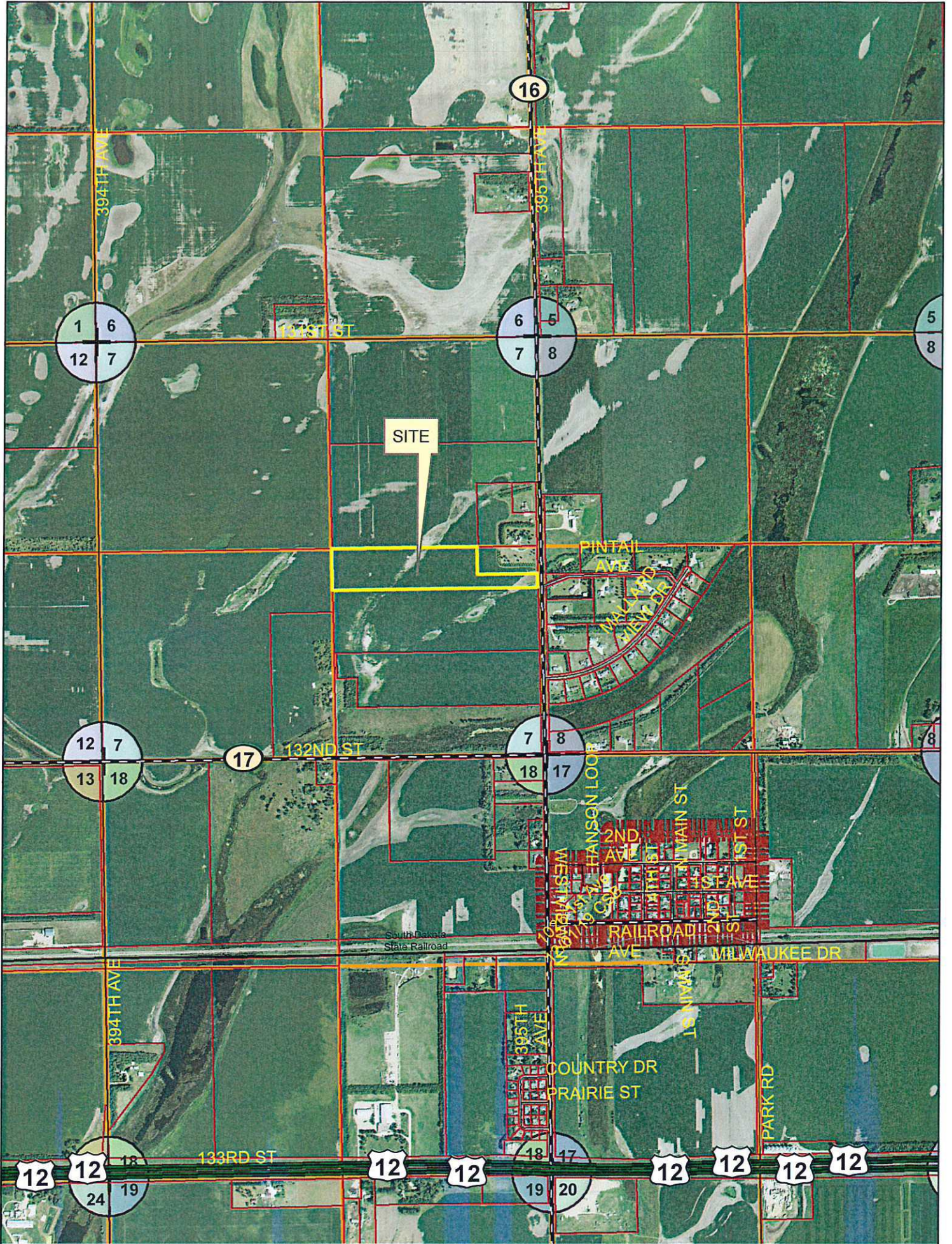
Patty Rush  
Director of Equalization, Brown County, South Dakota

**REGISTER OF DEED'S CERTIFICATION**

Filed for record this 7<sup>th</sup> day of April, 2006, at 1:40 o'clock P.M., and duly recorded in Book of Plats

No. 2207H

Carol Sherman by A. Gill - Dep.  
Register of Deeds, Brown County, South Dakota



SITE

PINTAIL AVE

MALDEN DR

132ND ST

18 17

HANSON LOOP

MAIN ST

2ND AVE

1ST ST

RAILROAD AVE

MILWAUKEE DR

394TH AVE

395TH AVE

COUNTRY DR  
PRAIRIE ST

PARK RD

133RD ST

12

12

12

12

12

12

12

12

1 6  
12 7

6 5  
7 8

5  
8

12 7  
13 18

17

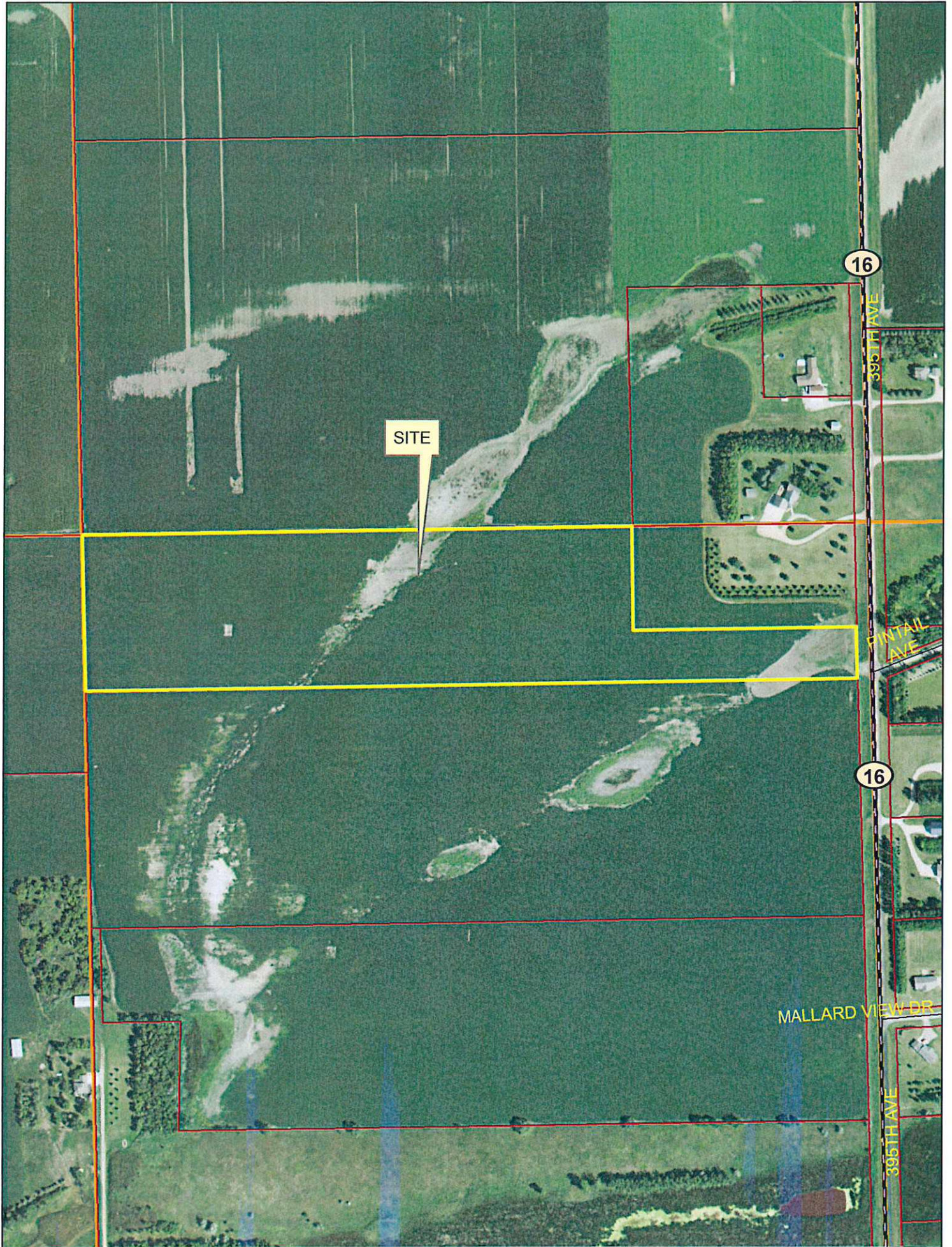
7 8  
18 17

8

12 18  
24 19

18 17  
19 20





SITE

16

395TH AVE

PINTAIL AVE

16

MALLARD VIEW DR

395TH AVE

William Wulff  
PO Box 1968  
Eastsound WA 98245

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

TC Wright Trust  
13149 395<sup>th</sup> Avenue  
Bath SD 57427

Kenneth & Dianna Shafer  
36316 107<sup>th</sup> Avenue  
Leola SD 57456

Eric & Deeann Hofer  
6639 Pendo Road  
Spearfish SD 57783

Dennis Jones  
12954 396<sup>th</sup> Avenue  
Bath SD 57427

Kampa Family Land, LLLP  
13943 401<sup>st</sup> Avenue  
Groton SD 57445

Specialty Manufacturing Co.  
PO Box 517  
Bath SD 57427



# Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St Suite 1 ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	

Date:	12/01/2023
Order Number:	9594258
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	57.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	12/06/2023 - 12/06/2023	Public Notices
ABD aberdeennews.com	1	12/06/2023 - 12/06/2023	Public Notices

Order Confirmation Amount

\$21.53

## Ad Preview

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 ~~December 19, 2023~~, at 7:00 P.M.  
Petitioner: William Wulff  
Description of property:  
Lot 1, "Wulff First Subdivi-  
sion" in the SE1/4 of  
Section 7-T123N-R62W of  
the 5th P.M., Brown  
County, South Dakota  
(13159 395th Avenue, Bath  
Twp.).  
Reason: Rezone parcel  
from Agriculture Preser-  
vation District (AG-P) 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 Commis-  
sion will forward a recom-  
mendation to the Board of  
Brown County Commis-  
sioner's with a future  
meeting date in the  
Commission Chambers.  
Verify the meeting dates  
with the Brown County  
Auditor.  
Dated this 6th day of  
December 2023.  
Planning/Zoning Commis-  
sion and  
Scott Bader - P&Z Direc-  
tor  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published Dec. 6, 2023, at  
the total approximate cost  
of \$21.53 and may be  
viewed free of charge at  
www.sdpublicnotices.com

# STAFF REPORT

Meeting: December 19, 2023

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## *BROWN COUNTY PLANNING COMMISSION*

*PRELIMINARY & FINAL PLAT*

*ITEM #11*

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**GENERAL INFORMATION:**

OWNER:	John & Karen Brotzel
PETITIONER:	John & Karen Brotzel
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"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
ADDRESS:	11312 373 <sup>rd</sup> Avenue
CITY/TOWNSHIP:	Franklyn Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
West:	McPherson County
East:	Agriculture Preservation District (AG-P)
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: J and J Brotzel Addition

LEGAL SECTION: QUARTER: NW SECTION: 7 TOWNSHIP: 126 RANGE: 65

MANDATORY LOTS: 1 TRACTS \_\_\_\_\_ PARCELS \_\_\_\_\_ OUTLOTS \_\_\_\_\_ OTHER \_\_\_\_\_

SCHOOL DISTRICT: Frederick Area

UTILITIES: WEB Water

OWNERS NAMES: John & Karen Brotzel

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Jamie Sprenger (IMEG)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: 11 / 15 /2023

RECEIVED BY PLANNING DEPARTMENT: 11 / 9 /2023 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: November 15, 2023  
RECEIPT # 821832  
TOWNSHIP: Franklyn Twp

FEES: \$100.00  
PAID: YES/NO CHK/CASH  
DATE: 11/15/2023

OWNERS SIGNATURE: John & Karen Brotzel *Karen Brotzel*  
OWNERS ADDRESS: 204 6th Street  
OWNERS CITY, STATE, ZIP: Frederick, SD 57441  
OWNERS PHONE: 605-377-3137 (Karen)

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "J and J Brotzel Addition" in Government Lot 1 in the  
NW1/4 of Section 7-T126N-R65W of the 5th P.M., Brown County, South Dakota  
(11312 373rd Avenue; Franklyn Twp.)

**Planning Commission Action: Approved / Denied** \_\_\_\_\_

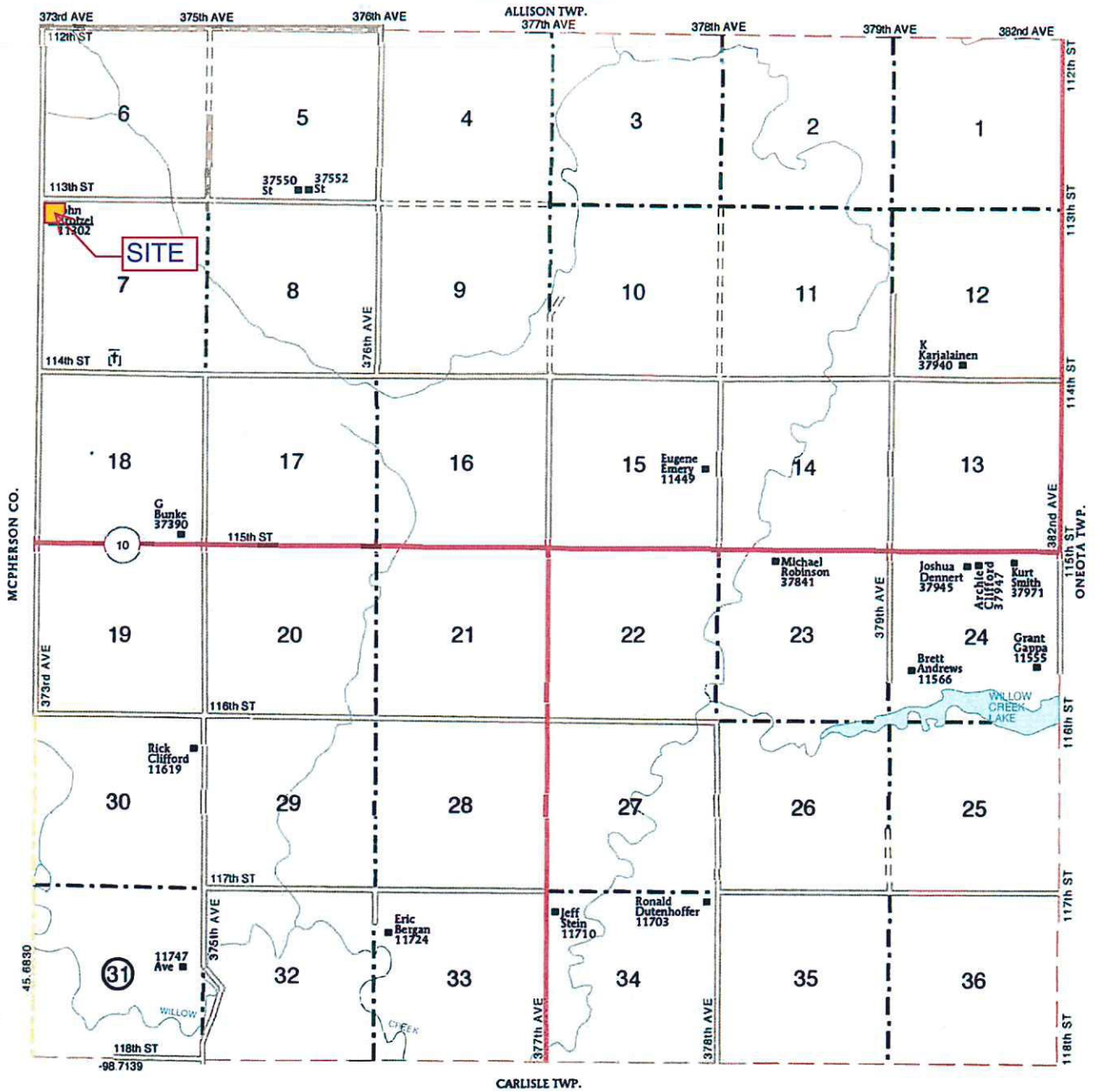
By: \_\_\_\_\_ Date: \_\_\_\_\_

**HEARING DATE:** December 19, 2023 **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 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov







PLAT SHOWING  
**J AND J BROTZEL ADDITION**  
 IN GOVERNMENT LOT 1 IN THE NW1/4 OF SECTION 7,  
 TOWNSHIP 126 NORTH, RANGE 65 WEST OF THE 5TH P.M.,  
 BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE**

We, John J. Brotzel and Karen A. Brotzel, husband and wife, do hereby certify that we are the owners of Government Lots 1 and 2 and the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section Seven (7), Township One Hundred Twenty-Six (126) North, Range Sixty-Five (65) 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 "J AND J BROTZEL ADDITION IN GOVERNMENT LOT 1 IN THE NW1/4 OF SECTION 7, TOWNSHIP 126 NORTH, RANGE 65 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: John J. Brotzel

John J. Brotzel  
 Signature

Signed this 9th day of November, 2023.

COUNTY OF BROWN )  
 ) SS  
 STATE OF SOUTH DAKOTA )

On this the 9th day of NOVEMBER, 2023, before me, the undersigned officer, personally appeared John J. Brotzel, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027  
Ra Kel

Notary Public

Owner: Karen A. Brotzel

Karen A. Brotzel  
 Signature

Signed this 9th day of November, 2023.

COUNTY OF BROWN )  
 ) SS  
 STATE OF SOUTH DAKOTA )

On this the 9th day of NOVEMBER, 2023, before me, the undersigned officer, personally appeared Karen A. Brotzel, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027  
Ra Kel

Notary Public

**SURVEYOR'S CERTIFICATE**

I, Jamie L. Sprenger, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted "J AND J BROTZEL ADDITION IN GOVERNMENT LOT 1 IN THE NW1/4 OF SECTION 7, TOWNSHIP 126 NORTH, RANGE 65 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.

Signed this 8th day of NOVEMBER, 2023.

**HIGHWAY APPROVAL**

The location of the in-place access roads, is hereby approved. Any change in the in-place access shall require addition approval.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
 Print Name and Title

\_\_\_\_\_  
 Signature

**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, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
 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 "J AND J BROTZEL ADDITION IN GOVERNMENT LOT 1 IN THE NW1/4 OF SECTION 7, TOWNSHIP 126 NORTH, RANGE 65 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, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
 County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "J AND J BROTZEL ADDITION IN GOVERNMENT LOT 1 IN THE NW1/4 OF SECTION 7, TOWNSHIP 126 NORTH, RANGE 65 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."

**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 record of my office to be fully paid.

Signed this 9th day of November, 2023.

Tracy Engerich, Dep  
 County Treasurer, Brown County, South Dakota

**DIRECTOR OF EQUALIZATION CERTIFICATE**

I hereby certify that I have received a copy of this plat this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
 Director of Equalization, Brown County, South Dakota

**REGISTER OF DEEDS' CERTIFICATE**

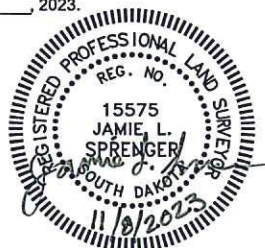
Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 2023, at

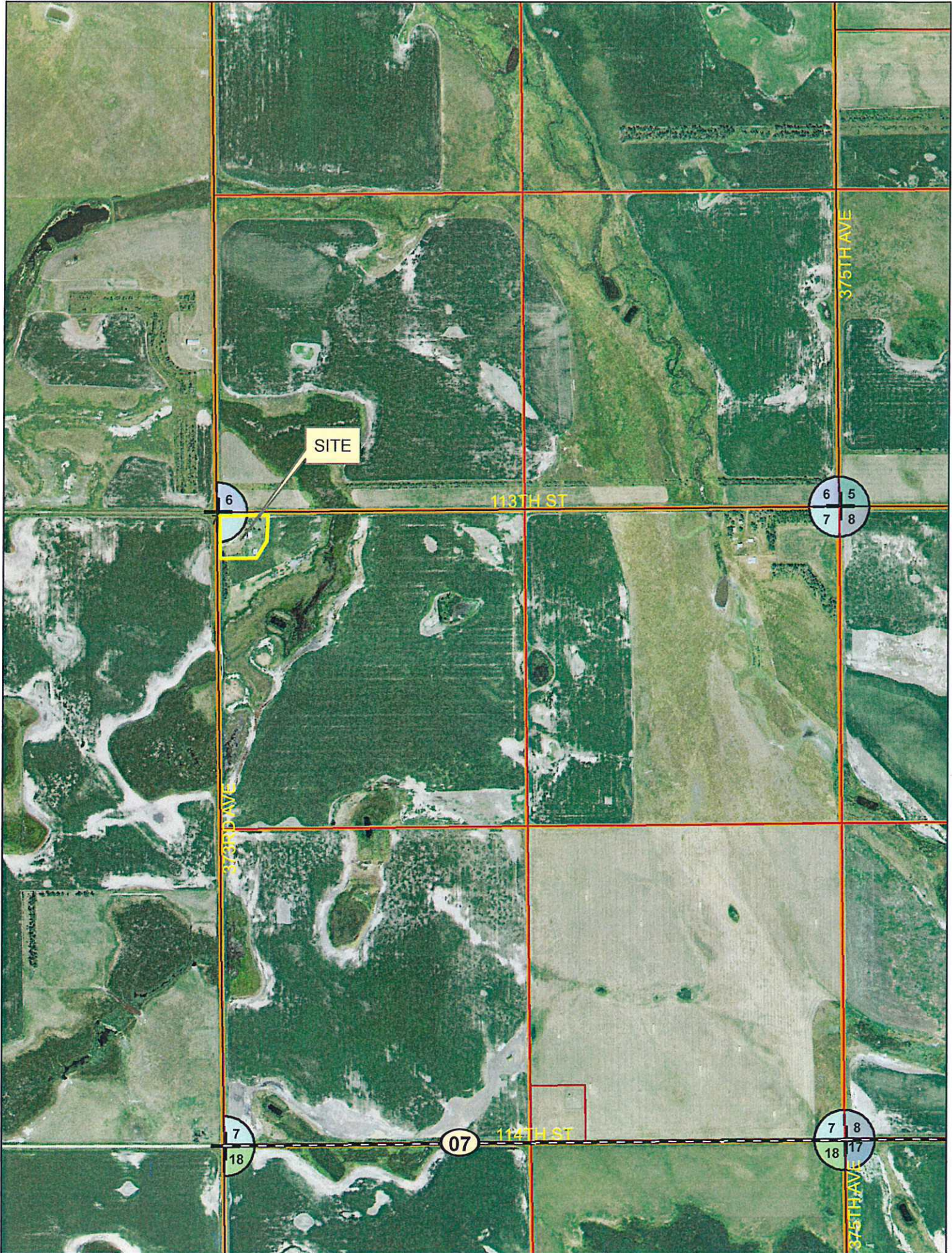
\_\_\_\_\_ O'clock \_\_\_\_\_ M., and duly recorded as Hanging Plat No. \_\_\_\_\_

\_\_\_\_\_  
 Register of Deeds, Brown County, South Dakota



3314 Milwaukee Avenue NE  
 Suite 2  
 Aberdeen, SD 57401  
 PH: 605.225.3494  
 www.imegcorp.com





SITE

113TH ST

375TH AVE

6

6

5

7

8

7

18

07

114TH ST

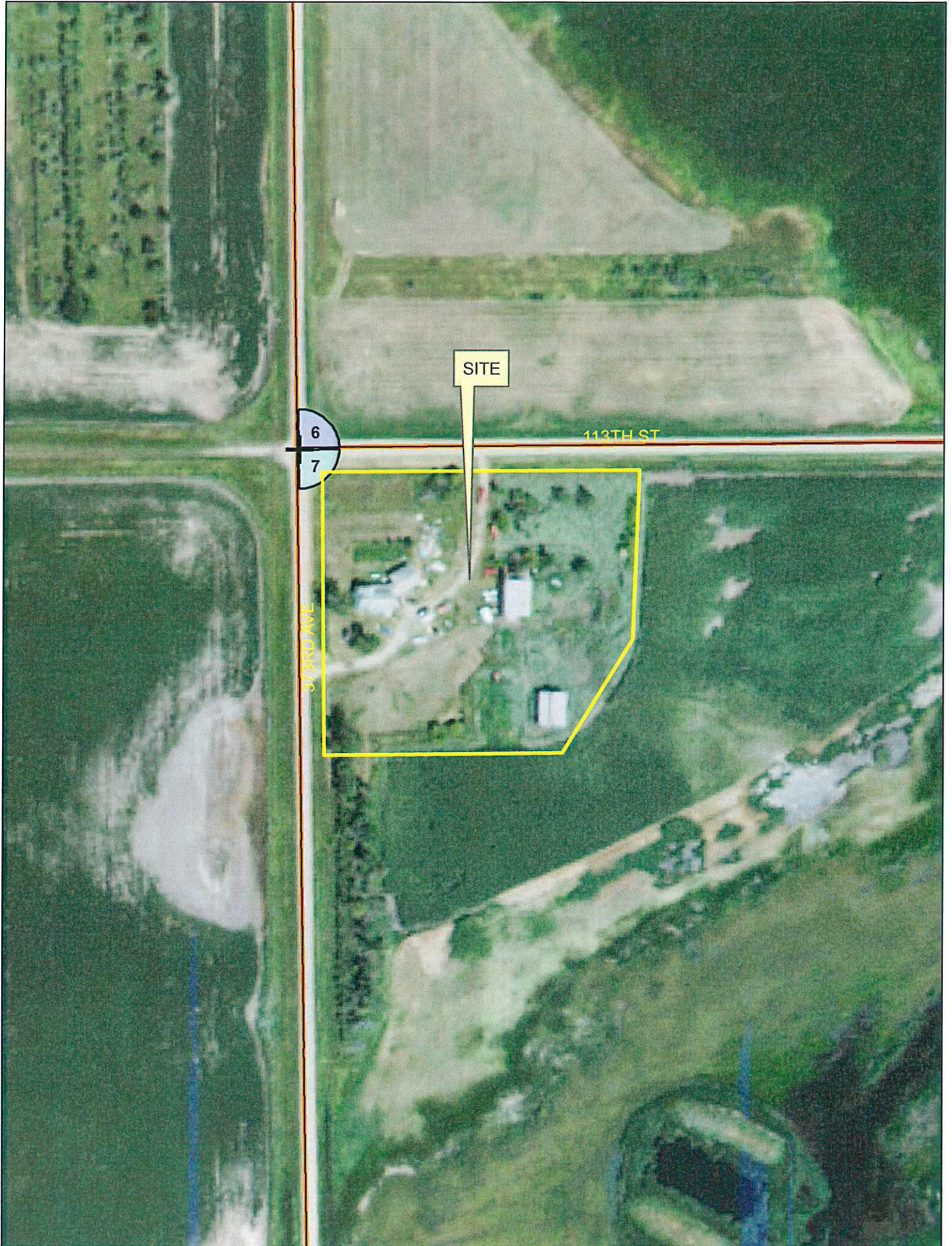
7

8

18

17

375TH AVE



SITE

113TH ST

373RD AVE

6

7

# STAFF REPORT

Meeting: December 19, 2023

---

## ***BROWN COUNTY PLANNING COMMISSION***

***PRELIMINARY & FINAL PLAT***

***ITEM # 12***

---

### **GENERAL INFORMATION:**

OWNER:	Cole Truebenbach
PETITIONER:	Kimberly A. Dorsett
REQUEST:	<b>PRELIMINARY &amp; FINAL PLAT</b>
LEGAL DESCRIPTION:	"Truebenbach Addition" in the SE1/4 of Section 2-T127N-R62W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
ADDRESS:	10653 399th Avenue
CITY/TOWNSHIP:	Greenfield 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:	Unknown
REPORTED BY:	Chris Anderson

**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: Trueebenbach Addition

LEGAL SECTION: QUARTER: SE SECTION: 2 TOWNSHIP: 127 RANGE: 62

MANDATORY LOTS: 1 TRACTS \_\_\_\_\_ PARCELS \_\_\_\_\_ OUTLOTS \_\_\_\_\_ OTHER \_\_\_\_\_

SCHOOL DISTRICT: Britton-Hecla

UTILITIES: Unknown

OWNERS NAMES: Cole Trueebenbach

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: \$100.00 DATE PAID: 11 / 27 /2023

RECEIVED BY PLANNING DEPARTMENT: 11 / 27 /2023 BY: Chris Anderson

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: November 9, 2023  
RECEIPT # 821839  
TOWNSHIP: Greenfield Twp

FEES: \$100.00  
PAID: YES/NO CHK/CASH  
DATE: November 27, 2023

OWNERS SIGNATURE: Cole Truebenbach  
OWNERS ADDRESS: 10653 399th Avenue  
OWNERS CITY, STATE, ZIP: Hecla, SD 57446  
OWNERS PHONE: 605-228-1871

AGENTS SIGNATURE:   
AGENTS ADDRESS: Kimberly A. Dorsett, Partner, Richardson Law Firm  
AGENTS CITY, STATE, ZIP: 1 Court Street, PO Box 1030  
AGENTS PHONE: Aberdeen, SD 57402-1030  
605-225-6310

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Truebenbach Addition" in the Southeast Quarter of  
Section 2-T127N-R62W of the 5th P.M., Brown County, South Dakota  
(10653 399th Avenue, Greenfield Twp.)

Planning Commission Action: Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

HEARING DATE: December 19, 2023 TIME: 7:00 pm

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

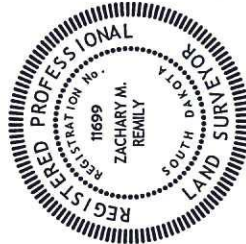
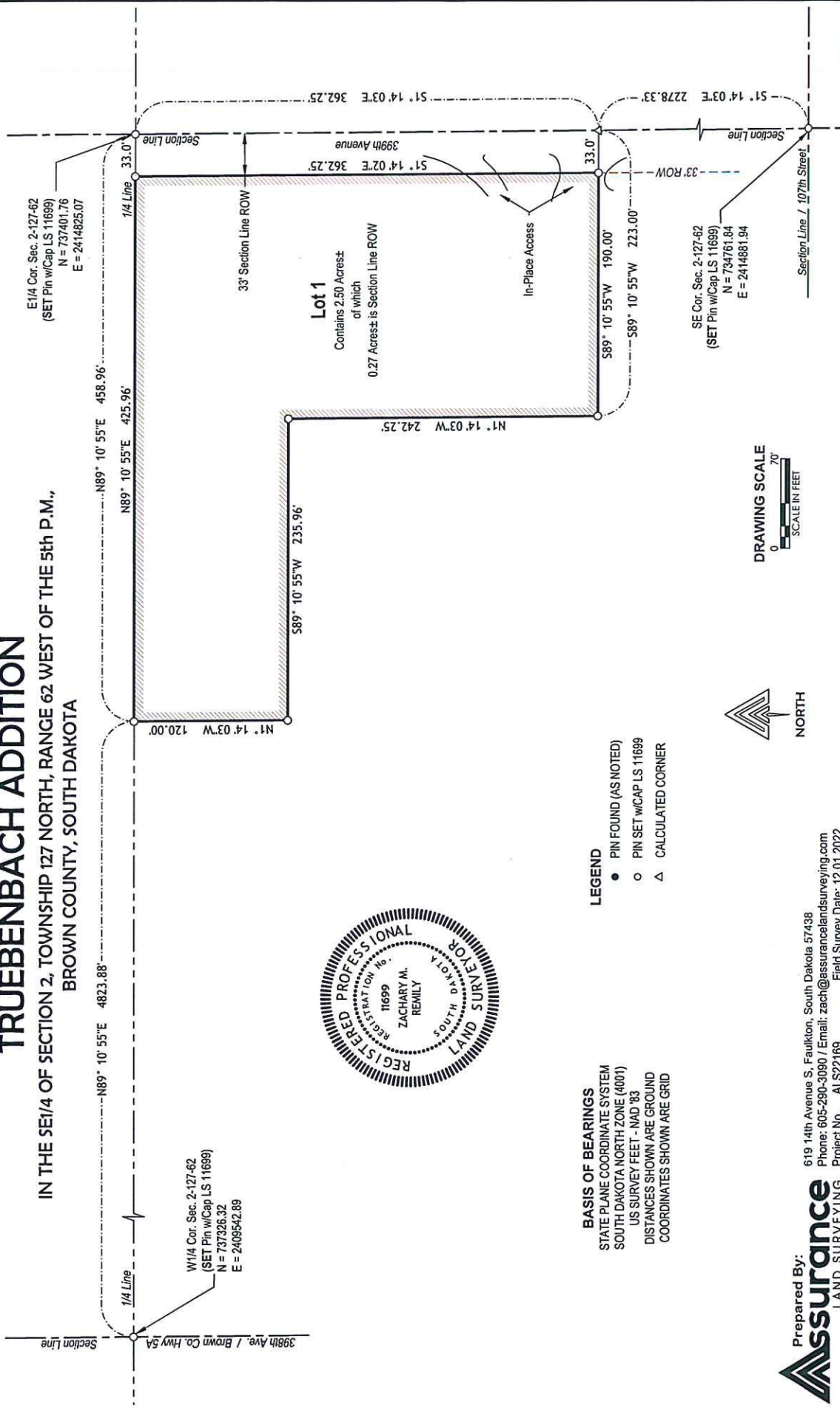
25 Market Street • Aberdeen, South Dakota 57401-4203

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





PLAT SHOWING  
**TRUEBENBACH ADDITION**  
 IN THE SE 1/4 OF SECTION 2, TOWNSHIP 127 NORTH, RANGE 62 WEST OF THE 5th P.M.,  
 BROWN COUNTY, SOUTH DAKOTA




- LEGEND**
- PIN FOUND (AS NOTED)
  - PIN SET w/CAP LS 11699
  - △ CALCULATED CORNER

**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



**DRAWING SCALE**  
 SCALE IN FEET  
 0 20 40

Prepared By:  
  
**Assurance**  
 LAND SURVEYING  
 619 14th Avenue S, Faulkton, South Dakota 57438  
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com  
 Project No. ALS22169 Field Survey Date: 12.01.2022

PLAT SHOWING  
**TRUEBENBACH ADDITION**

IN THE SE1/4 OF SECTION 2, TOWNSHIP 127 NORTH, RANGE 62 WEST OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA

**OWNER'S CERTIFICATE**

I, Cole Mitchell Truebenbach, do hereby certify that I am the owner of the Southeast Quarter (SE1/4) of Section Two (2), Township One Hundred Twenty-Seven (127) North, Range Sixty-Two (62) West of the 5th P.M., Brown County, South Dakota, and that I 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:

**"TRUEBENBACH ADDITION IN THE SE1/4 OF SECTION 2,  
TOWNSHIP 127 NORTH, RANGE 62 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: *Cole Mitchell Truebenbach*

Signature \_\_\_\_\_  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

COUNTY OF \_\_\_\_\_ )  
STATE OF \_\_\_\_\_ ) SS

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, \_\_\_\_\_, the undersigned officer, personally appeared *Cole Mitchell Truebenbach*, known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: \_\_\_\_\_

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 owner, I have surveyed and platted:

**"TRUEBENBACH ADDITION IN THE SE1/4 OF SECTION 2,  
TOWNSHIP 127 NORTH, RANGE 62 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\_\_\_\_\_.

**HIGHWAY APPROVAL**

"Existing Access to 399th 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."

Print Name & Title \_\_\_\_\_

Signature \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**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:

**"TRUEBENBACH ADDITION IN THE SE1/4 OF SECTION 2,  
TOWNSHIP 127 NORTH, RANGE 62 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:

**"TRUEBENBACH ADDITION IN THE SE1/4 OF SECTION 2,  
TOWNSHIP 127 NORTH, RANGE 62 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."

PLAT SHOWING  
**TRUEBENBACH ADDITION**

IN THE SE1/4 OF SECTION 2, TOWNSHIP 127 NORTH, RANGE 62 WEST OF THE 5th P.M.,  
BROWN COUNTY, SOUTH DAKOTA

**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  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Director of Equalization  
Brown County, South Dakota

**REGISTER OF DEEDS' CERTIFICATE**

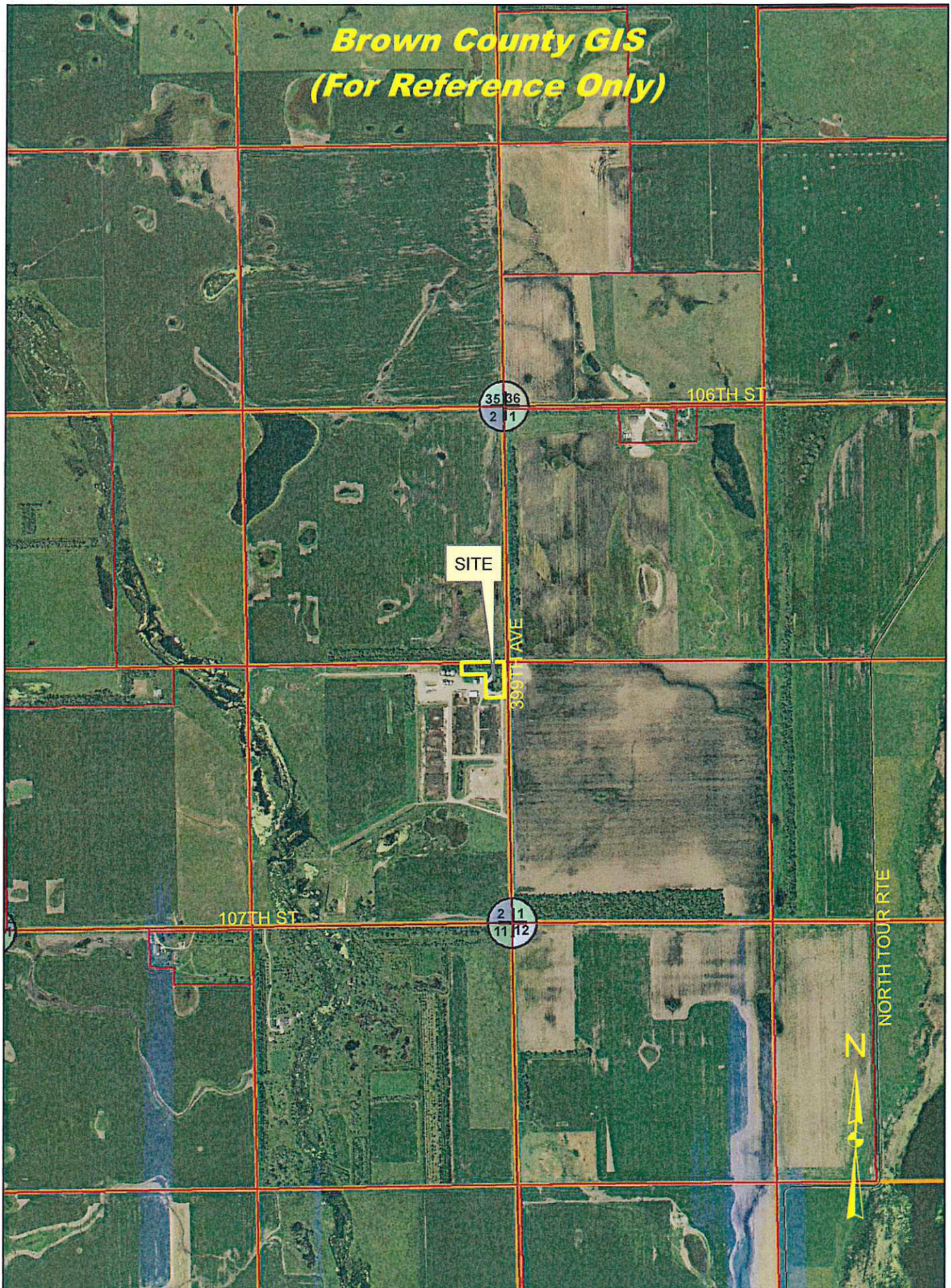
Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

at \_\_\_\_\_ O'clock \_\_\_\_ M., and duly recorded as Hanging

Plat No. \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
Brown County, South Dakota

**Brown County GIS  
(For Reference Only)**



106TH ST

35 36  
2 11

SITE

399TH AVE

107TH ST

2 11  
11 12

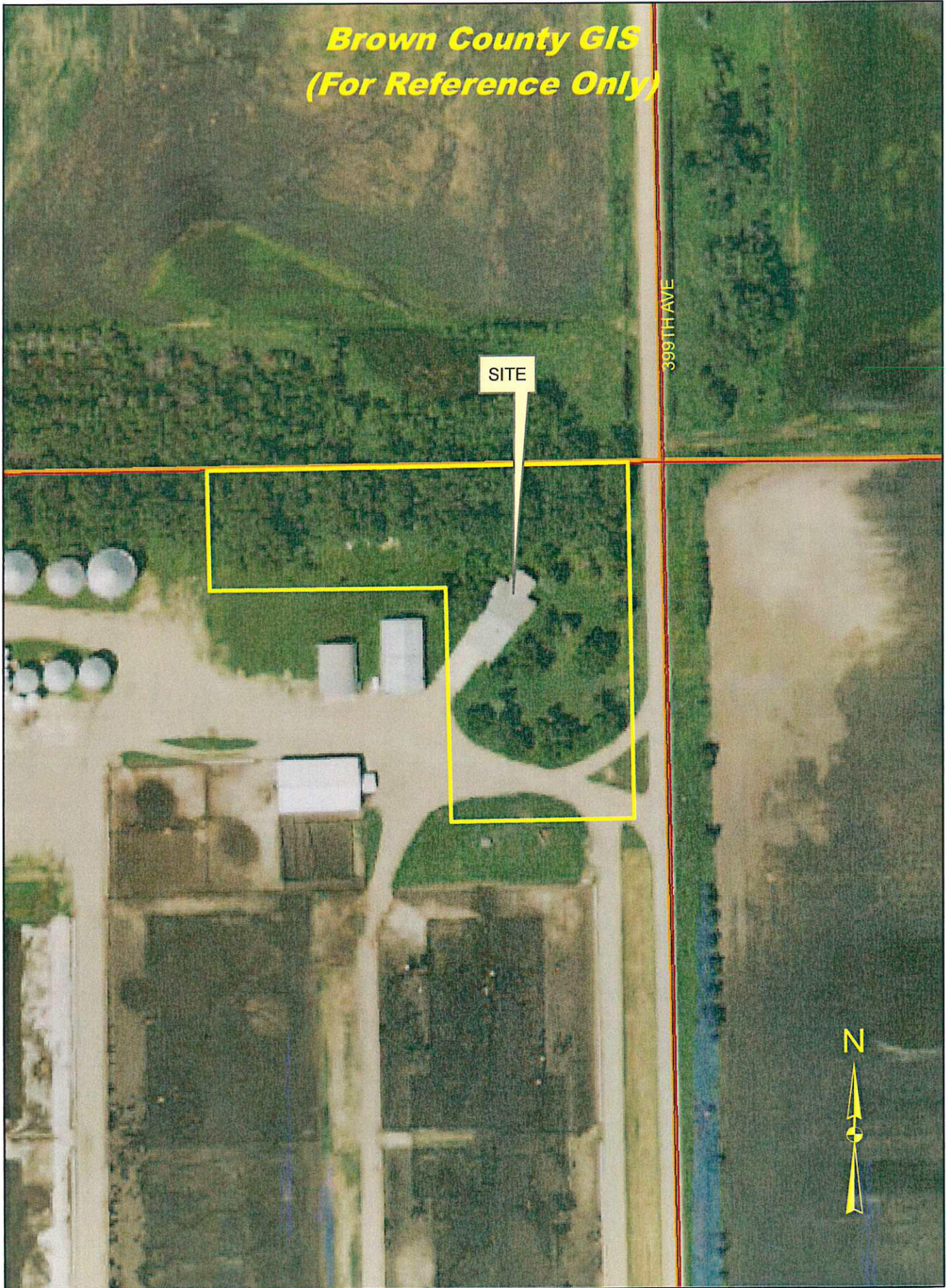
NORTH TOUR RTE



**Brown County GIS  
(For Reference Only)**

399 TH AVE

SITE



# STAFF REPORT

Meeting: December 19, 2023

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## ***BROWN COUNTY PLANNING COMMISSION***

***PRELIMINARY & FINAL PLAT***

***ITEM # 13***

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**GENERAL INFORMATION:**

OWNER:	Edward Hofer
PETITIONER:	Edward Hofer
REQUEST:	<b>PRELIMINARY &amp; FINAL PLAT</b>
LEGAL DESCRIPTION:	"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
ADDRESS:	39448 131 <sup>st</sup> Street
CITY/TOWNSHIP:	Bath 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
REPORTED BY:	Chris Anderson

**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: Edward Hofer First Addition

LEGAL SECTION: QUARTER:  SECTION: 6 TOWNSHIP: 123 RANGE: 62

MANDATORY LOTS: 1 & 2 TRACTS \_\_\_\_\_ PARCELS \_\_\_\_\_ OUTLOTS \_\_\_\_\_ OTHER \_\_\_\_\_

SCHOOL DISTRICT: Aberdeen

UTILITIES: WEB Water

OWNERS NAMES: Edward Hofer

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Cory Biegler (Helms & Associates)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: 12 / 01 /2023

RECEIVED BY PLANNING DEPARTMENT: 12 / 01 /2023 BY: Chris Anderson

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: November 30, 2023  
RECEIPT # 821843  
TOWNSHIP: Bath Twp

FEES: \$100.00  
PAID: YES/NO CHK/CASH  
DATE: December 1, 2023

OWNERS SIGNATURE: Edward Hofer Edward M. Hofer  
OWNERS ADDRESS: 39448 131st Street  
OWNERS CITY, STATE, ZIP: Bath SD 57427  
OWNERS PHONE: 605-228-0398

AGENTS SIGNATURE: \_\_\_\_\_  
AGENTS ADDRESS: \_\_\_\_\_  
AGENTS CITY, STATE, ZIP: \_\_\_\_\_  
AGENTS PHONE: \_\_\_\_\_

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Edward Hofer First Addition" in the South Half of  
Section 6-T123N-R62W of the 5th P.M., Brown County, South Dakota  
(39448 131st Street, Bath Twp.)

Planning Commission Action: Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

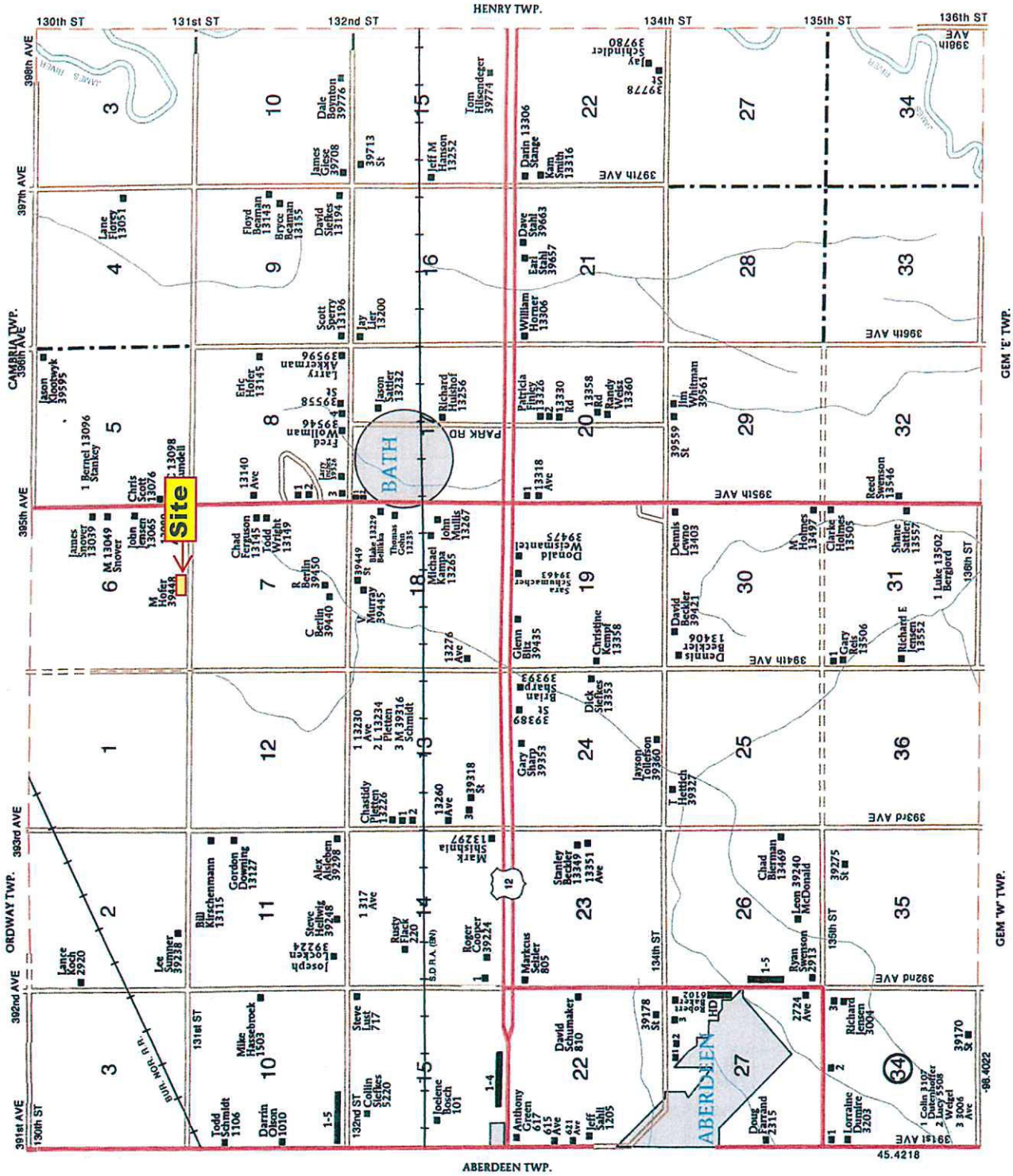
HEARING DATE: December 19, 2023 TIME: 7:00 pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

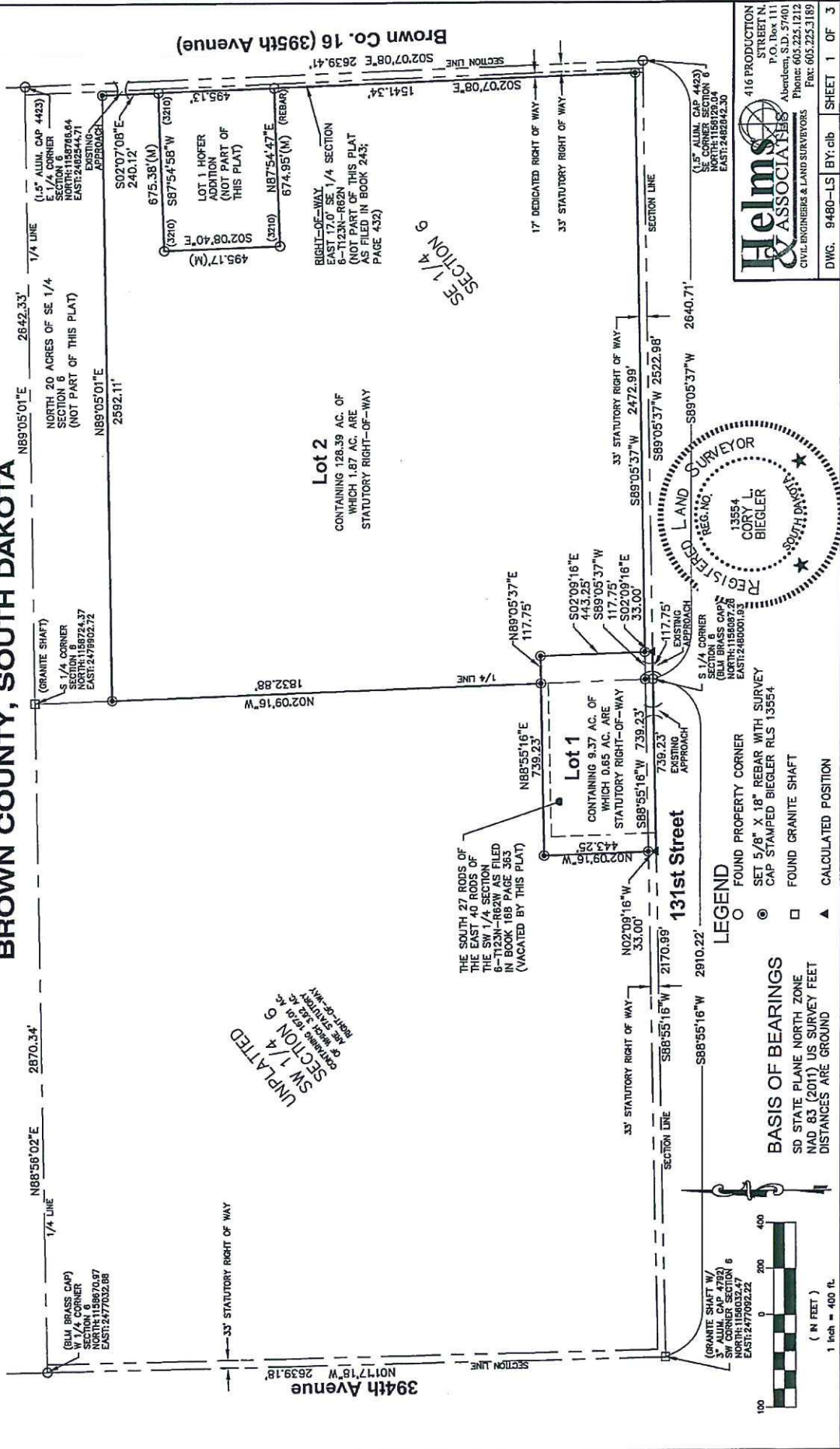
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov





- 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 Matham, A 5219
- SECTION 15W**
- 1 5405
  - 2 Ellers, Todd 5455
  - 3 Ellingson, Malyrn 5485
  - 4 Gossman, S 5755
- SECTION 17**
- 1 Buechler, Jerry 13228
  - 2 Wohl, Justyn 13230
- SECTION 20**
- 1 Westphal, Henry 13316
  - 2 Rohrbach, Kevin 13328
- SECTION 28**
- 1 Bellikka, Daryl 2111
  - 2 Kohnhaas, Paul 2135
  - 3 Grisse, Doug 2215
  - 4 Bjorklund, Richard 2317
  - 5 Paulson, David 2519
- SECTION 27N**
- 1 Catton, Caleb 5256
  - 2 Johnson, K 5950

# PLAT OF EDWARD HOFER FIRST ADDITION IN THE S 1/2 OF SECTION 6-T123N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



Brown Co. 16 (395th Avenue)

SECTION 6  
SW 1/4

**Helm & Associates**  
 CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION STREET N.  
 P.O. Box 111  
 Aberdeen, S.D. 57401  
 Phone: 605.225.1212  
 Fax: 605.225.3189

DWG. 9480-LS BY: ctb SHEET 1 OF 3

REGISTERED LAND SURVEYOR

13554  
 CORY L BIEGLER

REG. REG. NO.

**PLAT OF**  
**EDWARD HOFER FIRST ADDITION**  
**IN THE S 1/2 OF SECTION 6-T123N-R62W OF THE 5th P.M.,**  
**BROWN COUNTY, SOUTH DAKOTA**

**OWNER'S CERTIFICATE**

I, EDWARD MALCOLM HOFER, DO HEREBY CERTIFY THAT I AM THE OWNER OF SE 1/4 OF SECTION 6-T123N-R62W OF THE 5TH P.M., (WITH EXCEPTIONS OF THE NORTH 20 ACRES THEREOF, AND LOT 1, HOFER ADDITION IN THE SE 1/4 OF SECTION 6-T123N-R62W OF THE 5TH P.M., AND THAT PORTION DEEDED FOR HIGHWAY PURPOSES AS CREATED IN BOOK 243 OF DEEDS, PAGE 432) BROWN COUNTY, SOUTH DAKOTA,

AND THE SW 1/4 OF SECTION 6-T123N-R62W OF THE 5TH P.M., (WITH EXCEPTION TO THE SOUTH 27 RODS OF THE EAST 40 RODS OF THE SW 1/4 SECTION 6-T123N-R62W AS FILED IN BOOK 168 PAGE 363) BROWN COUNTY, SOUTH DAKOTA

AND THE SOUTH 27 RODS OF THE EAST 40 RODS OF THE SW 1/4 SECTION 6-T123N-R62W (AS FILED IN BOOK 168 PAGE 363) BROWN COUNTY, SOUTH DAKOTA

AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; EDWARD HOFER FIRST ADDITION IN THE S 1/2 OF SECTION 6-T123N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND I HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, I, EDWARD MALCOLM HOFER DO HEREBY VACATE SE 1/4 OF SECTION 6-T123N-R62W OF THE 5TH P.M., (WITH EXCEPTIONS OF THE NORTH 20 ACRES THEREOF, AND LOT 1, HOFER ADDITION IN THE SE 1/4 OF SECTION 6-T123N-R62W OF THE 5TH P.M., AND THAT PORTION DEEDED FOR HIGHWAY PURPOSES AS CREATED IN BOOK 243 OF DEEDS, PAGE 432) BROWN COUNTY, SOUTH DAKOTA,

AND THE SOUTH 27 RODS OF THE EAST 40 RODS OF THE SW 1/4 SECTION 6-T123N-R62W (AS FILED IN BOOK 168 PAGE 363) BROWN COUNTY, SOUTH DAKOTA

\_\_\_\_\_  
EDWARD MALCOLM HOFER

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF )  
COUNTY OF )SS

ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED EDWARD MALCOLM HOFER KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

**SURVEYOR'S CERTIFICATE**

I, CORY L. BIEGLER, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNER(S), I HAVE SURVEYED AND PLATTED "EDWARD HOFER FIRST ADDITION IN THE S 1/2 OF SECTION 6-T123N-R62W 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. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
CORY L. BIEGLER RLS #13554

**COUNTY PLANNING COMMISSION CERTIFICATION**

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 AT A MEETING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING EDWARD HOFER FIRST ADDITION IN THE S 1/2 OF SECTION 6-T123N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

\_\_\_\_\_  
SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

**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 THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING EDWARD HOFER FIRST ADDITION IN THE S 1/2 OF SECTION 6-T123N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

\_\_\_\_\_  
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

**PLAT OF**  
**EDWARD HOFER FIRST ADDITION**  
**IN THE S 1/2 OF SECTION 6-T123N-R62W OF THE 5th P.M.,**  
**BROWN COUNTY, SOUTH DAKOTA**

**HIGHWAY AUTHORITY CERTIFICATE**

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: \_\_\_\_\_  
HIGHWAY AUTHORITY

TITLE: \_\_\_\_\_

**HIGHWAY ACCESS CERTIFICATE**

EXISTING ACCESS TO \_\_\_\_\_ 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.

BY: \_\_\_\_\_  
HIGHWAY OR STREET AUTHORITY

TITLE: \_\_\_\_\_

**DIRECTOR OF EQUALIZATION'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

**TREASURER'S CERTIFICATE**

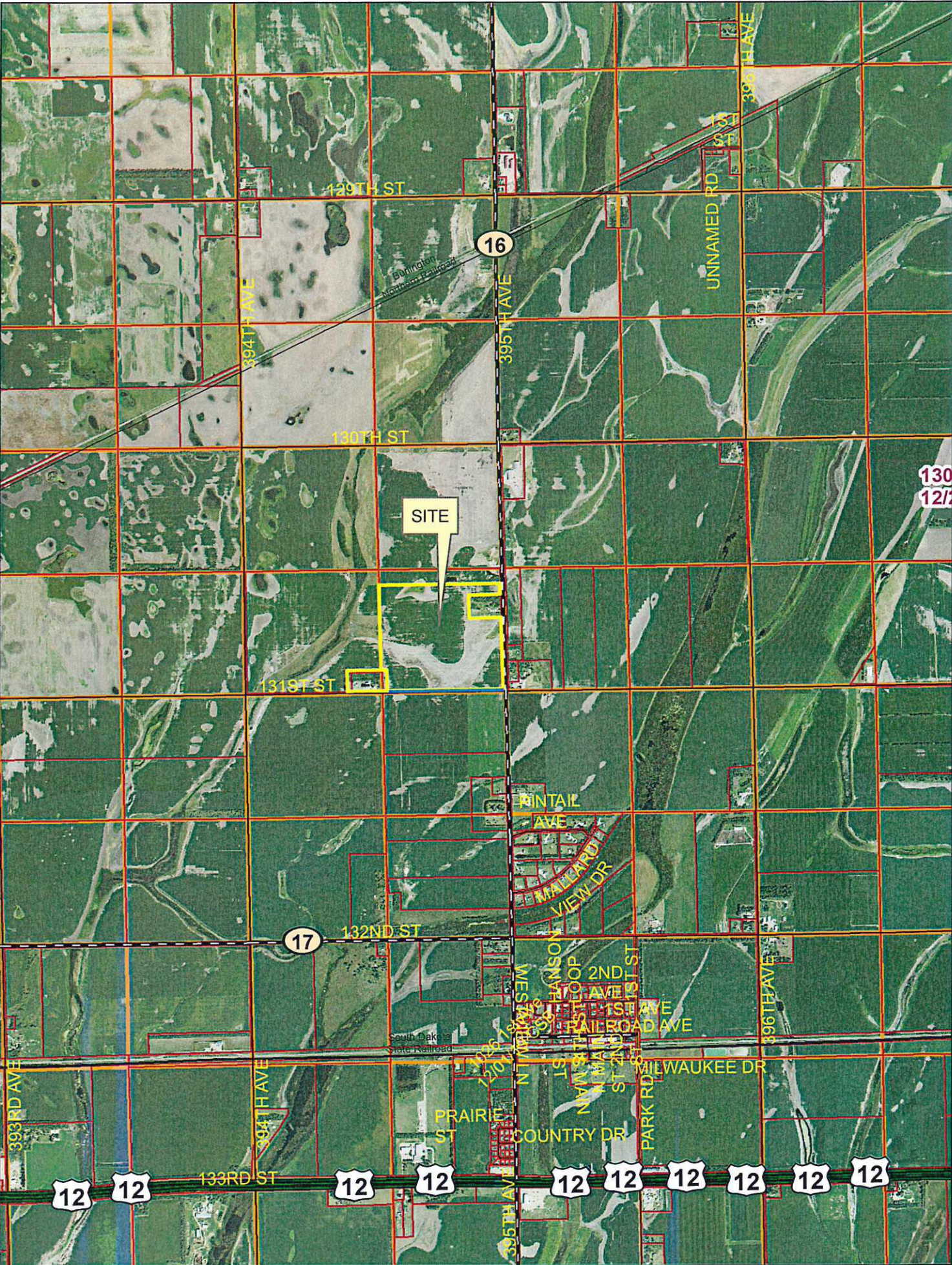
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

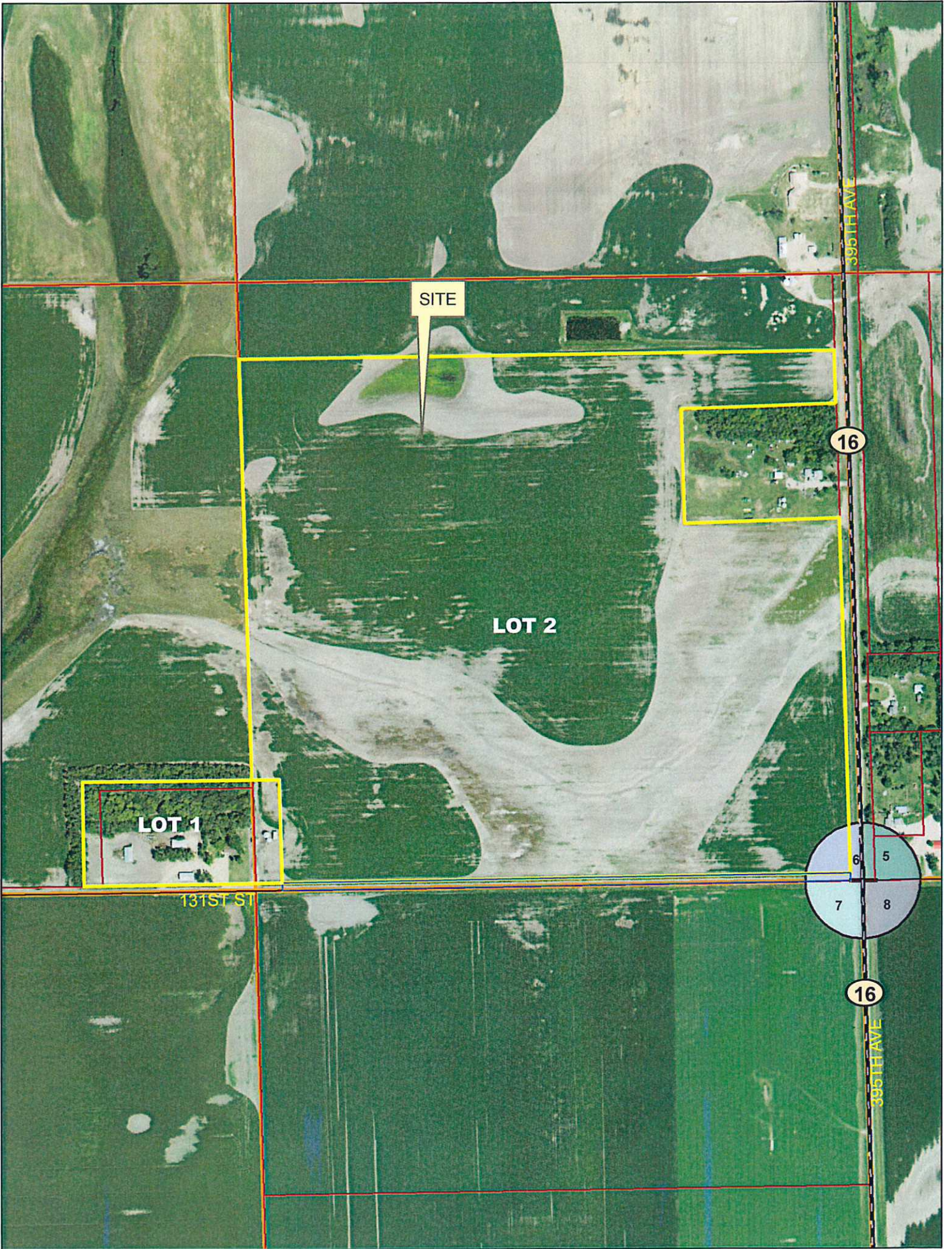
\_\_\_\_\_  
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

**REGISTER OF DEED'S CERTIFICATE**

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_ O'CLOCK \_\_\_\_\_, AND DULY RECORDED IN HANGING PLATS NO. \_\_\_\_\_.

\_\_\_\_\_  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA





SITE

LOT 2

LOT 1

131ST ST

395TH AVE

16



16

395TH AVE

# STAFF REPORT

Meeting: December 19, 2023

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## *BROWN COUNTY PLANNING COMMISSION*

*PRELIMINARY & FINAL PLAT*

*ITEM #14*

---

### GENERAL INFORMATION:

OWNER:	Kenneth & Carol Feickert
PETITIONER:	Kenneth & Carol Feickert
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"D. Feickert Addition" in the NW1/4 of Section 21-T124N-R64W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
ADDRESS:	12748 384 <sup>th</sup> Avenue
CITY/TOWNSHIP:	Lincoln Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Mini-Agriculture District (M-AG)
West:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
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: D. Feickert Addition

LEGAL SECTION: QUARTER: NW SECTION: 21 TOWNSHIP: 124 RANGE: 64

MANDATORY LOTS: 1 TRACTS \_\_\_\_\_ PARCELS \_\_\_\_\_ OUTLOTS \_\_\_\_\_ OTHER \_\_\_\_\_

SCHOOL DISTRICT: Aberdeen

UTILITIES: WEB Water

OWNERS NAMES: Kenneth & Carol Miller

OWNERS NAMES: \_\_\_\_\_

ENGINEER OR SURVEYOR: Zachary Remily (Assurance Land Surveying)

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

PLAT FEE PER PLAT: \$100.00 DATE PAID: 12 / 06 /20 23

RECEIVED BY PLANNING DEPARTMENT: 12 / 06 /20 23 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT \_\_\_\_\_ CONVEYANCE X FINANCIAL PURPOSES \_\_\_\_\_ OTHER \_\_\_\_\_

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR X 11 x 17 PHOTO PAPER \_\_\_\_\_ OTHER \_\_\_\_\_

STREETS/ROADS NAMED PROPERLY: X NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT: \_\_\_\_\_

EXISTING ACCESS SHOWN ON PLAT: X ACCESS PERMISSION NEEDED BY: SD \_\_\_\_\_ BC \_\_\_\_\_ TWP \_\_\_\_\_

FULLY DIMENSIONED FROM SECTION CORNER: X OR QUARTER CORNER: X OR KNOWN MARKER: \_\_\_\_\_

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) X SIGNATURE LINE SIGNED: X

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: X PROPERTY PINS SHOWN ON ALL CORNERS: X

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

**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: November 30, 2023 FEES: \$100.00  
RECEIPT # 821848 PAID: YES/NO CHK/CASH  
TOWNSHIP: Lincoln Twp DATE: 12/6/2023

OWNERS SIGNATURE: Kenneth & Carol Miller Carol Miller  
OWNERS ADDRESS: 38427 128th Street  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: 605-380-8177 (Ken)

AGENTS SIGNATURE: Dennis Feickert Dennis Feickert  
AGENTS ADDRESS: 38479 129th Street  
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401  
AGENTS PHONE: 605-216-3451

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "D. Feickert Addition" in the NW1/4 of Section 21-T124N-  
R64W of the 5th P.M., Brown County, South Dakota  
(12748 384th Avenue; Lincoln Twp.)

Planning Commission Action: Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

HEARING DATE: December 19, 2023 TIME: 7:00 pm

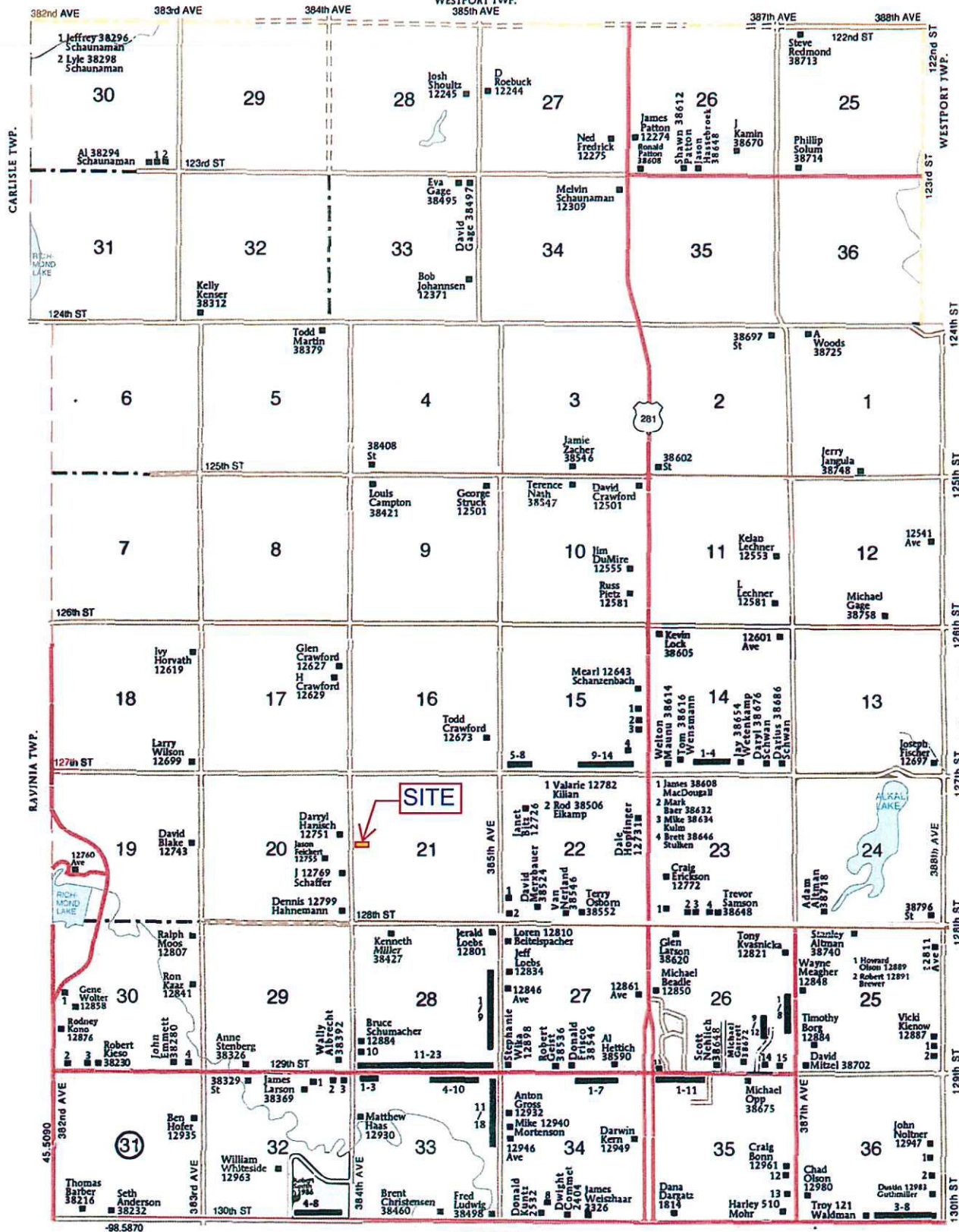
**MEETING:** located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

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

(Residents - Owners or Renters)

WESTPORT TWP.  
385th AVE



**LINCOLN TOWNSHIP**

**SECTION 14**

- 1 Merriman, Rich 38620
- 2 Carlson, Perry 38630
- 3 Allbee, K 38632
- 4 Mount, Bill 38634

**SECTION 15**

- 1 Schaunaman, Mysty 12657
- 2 Berg, Tom 12663
- 3 Heath, Pat 12667
- 4 Klesz, Marvin 12685
- 5 Sawatzky, Michael 38502

**SECTION 16**

- 6 Carroll, Jared 38504
- 7 Frohling, Leslie 38512
- 8 Kamphus, Dustin 38518
- 9 Williams, Eugene 38552
- 10 Black, Casey 38556
- 11 Mitzel, Michael 38560
- 12 Malsam, Adam 38570
- 13 Nelson, Mark 38574
- 14 Madsen, Scott 38576

**SECTION 26S**

- 1 Welenkamp, Lloyd D 12847
- 2 Hedges, Kendall 38693

**SECTION 27**

- 3 Labay, Richard 12851
- 4 Kolb, Myron 12855
- 5 Heidrich, Asher 12857
- 6 Wacholz, B 12861
- 7 Simonson, Lee 12869
- 8 Rychlik, Travis 12875
- 9 Keller, Mike 12862
- 10 Matthews, Joshua 12866
- 11 Vetch, David 12870
- 12 Call, Ty 12874

**SECTION 28**

- 13 Johnson, Brandon 38608
- 14 Wahl, Eldon 38686

**SECTION 29**

- 15 Kaan, Jason 38690

**SECTION 30S**

- 1 Dragesel, Jamie 12833
- 2 Adolf, Gregory 12839
- 3 Hoeltzner, Curtis 12843
- 4 Wilkie, Chad 12845
- 5 Carlson, Cartor 12853
- 6 Vining, Brad 12861
- 7 Aman, Dwight 12871
- 8 Kotzea, Dale 12881
- 9 Rau, Scott 12891
- 10 Bulsing, Bren 12888

**SECTION 31**

- 11 Blitz, Marvin 38404
- 12 Gab, Dale 38406
- 13 Poor, Dustin 38412
- 14 Schauer, Shane 38414
- 15 Bellikka, Neil 38424
- 16 Royer, Toby 38434
- 17 Jakober, Glenn 38452
- 18 Buechler, Todd 38460
- 19 Siefken, Lon 38464
- 20 Habeck, F 38474
- 21 Kamm, Casey 38478
- 22 Waage, Adam 38484

**SECTION 32S**

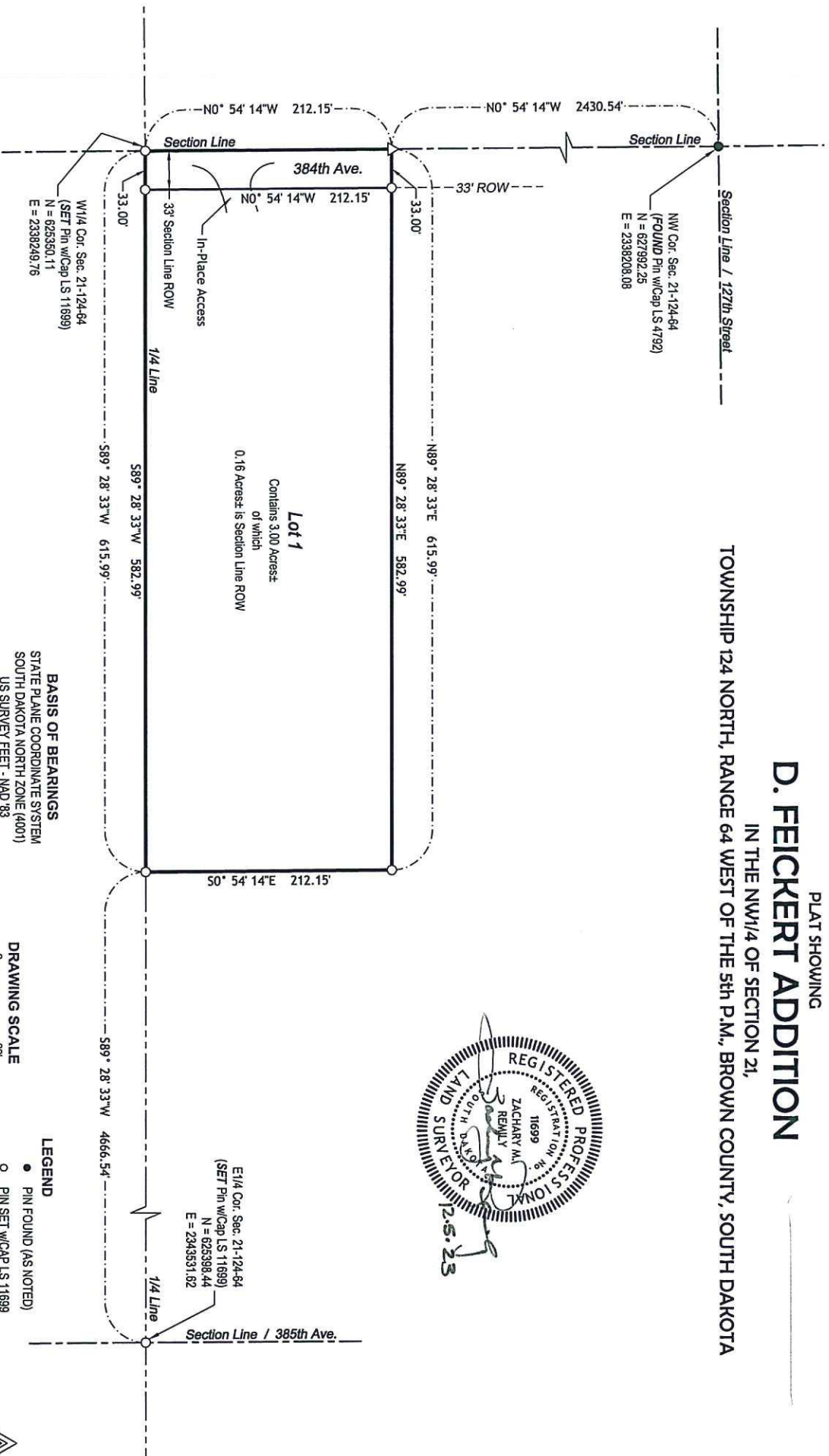
- 23 Peterson, Kenneth 38488
- 1 Odde, Kirby 12852
- 2 Schlager, Gene 38206
- 3 38228
- 4 Mandel, Lonnie 38294

**SECTION 33**

- SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

PLAT SHOWING  
**D. FEICKERT ADDITION**

IN THE NW1/4 OF SECTION 21,  
 TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



Prepared By:  
**Assurance**  
 LAND SURVEYING  
 619 14th Avenue S, Faulkton, South Dakota 57438  
 Phone: 605-280-3090 / Email: zach@assurancelandsurveying.com  
 Project No. ALS23136  
 Field Survey Date: 11-28-2023

**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

PLAT SHOWING

D. FEICKERT ADDITION

IN THE NW1/4 OF SECTION 21, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Kenneth E. Miller and Carol A. Miller, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby certify that we are the owners of the Northwest Quarter (NW1/4) Section Twenty-One (21) [EXCEPT the North 695' of the NW1/4], Township One Hundred Twenty-Four (124) 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:

"D. FEICKERT ADDITION IN THE NW1/4 OF SECTION 21, TOWNSHIP 124 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: Kenneth E. Miller

Owner: Carol A. Miller

Signature: Kenneth E. Miller

Signature: Carol A. Miller

Signed this 6 day of Dec, 2023.

Signed this 6 day of Dec, 2023.

COUNTY OF BROWN ) STATE OF SOUTH DAKOTA ) SS

COUNTY OF BROWN ) STATE OF SOUTH DAKOTA ) SS

On this the 6th day of DECEMBER, 2023, before me, RON KELLER, the undersigned officer, personally appeared Kenneth E. Miller known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

On this the 6th day of DECEMBER, 2023, before me, RON KELLER, the undersigned officer, personally appeared Carol A. Miller known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027

My Commission Expires: 11/2/2027

Notary Public: Ron Keller

Notary Public: Ron Keller

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:

"D. FEICKERT ADDITION IN THE NW1/4 OF SECTION 21, TOWNSHIP 124 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.

Signature: Zachary M. Remily, LS 1699

Signed this 6th day of December, 2023.

TOWNSHIP HIGHWAY APPROVAL

"Existing Access to 384th 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."

Signature: Bruce Schuracker, Supervisor

Signature: [Signature]

Signed this 6 day of Dec, 2023.

# D. FEICKERT ADDITION

IN THE NW1/4 OF SECTION 21, TOWNSHIP 124 NORTH, RANGE 64 WEST OF THE 5th P.M.,  
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:

**"D. FEICKERT ADDITION IN THE NW1/4 OF SECTION 21,  
TOWNSHIP 124 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:

**"D. FEICKERT ADDITION IN THE NW1/4 OF SECTION 21,  
TOWNSHIP 124 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."

### 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

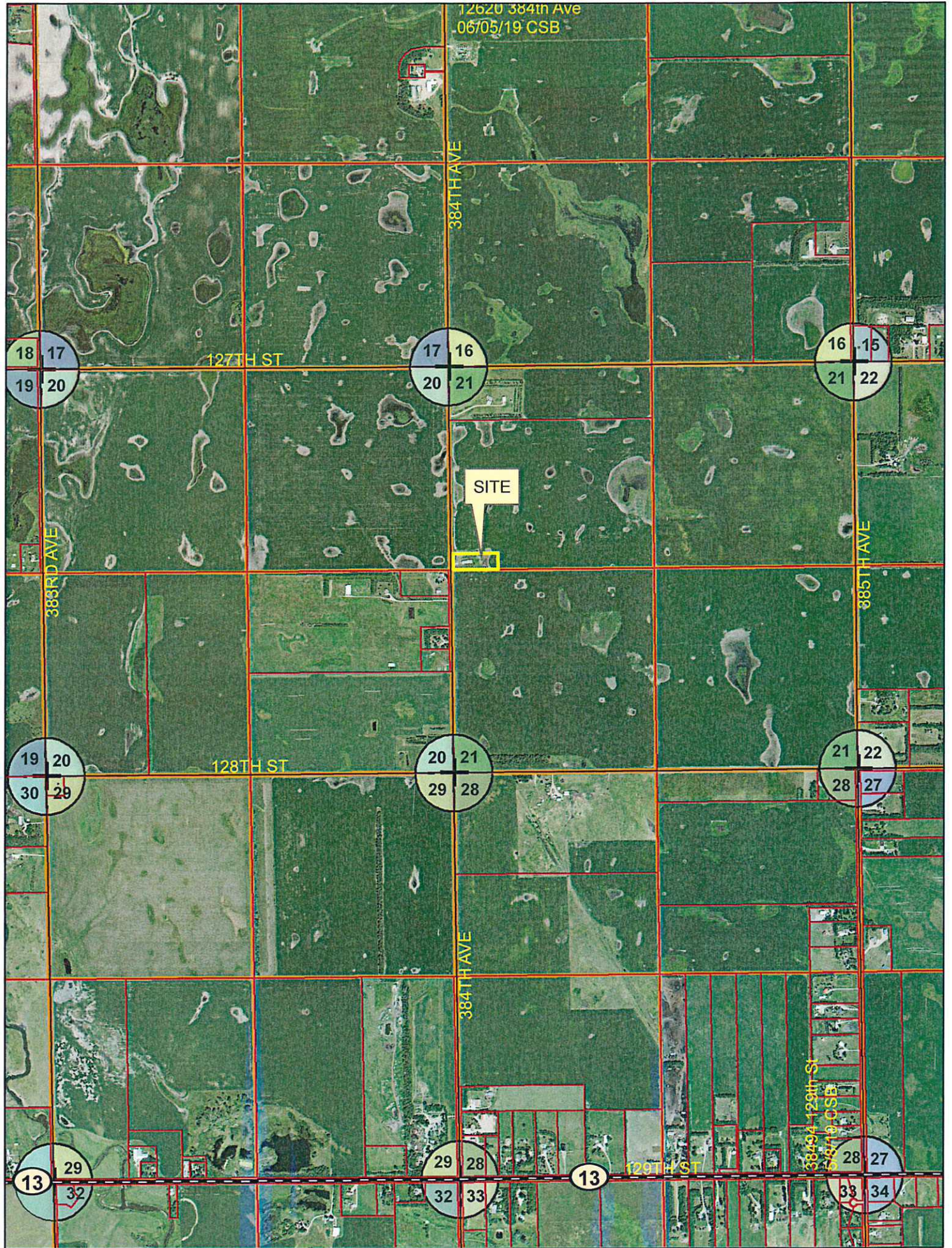
### REGISTER OF DEEDS' CERTIFICATE

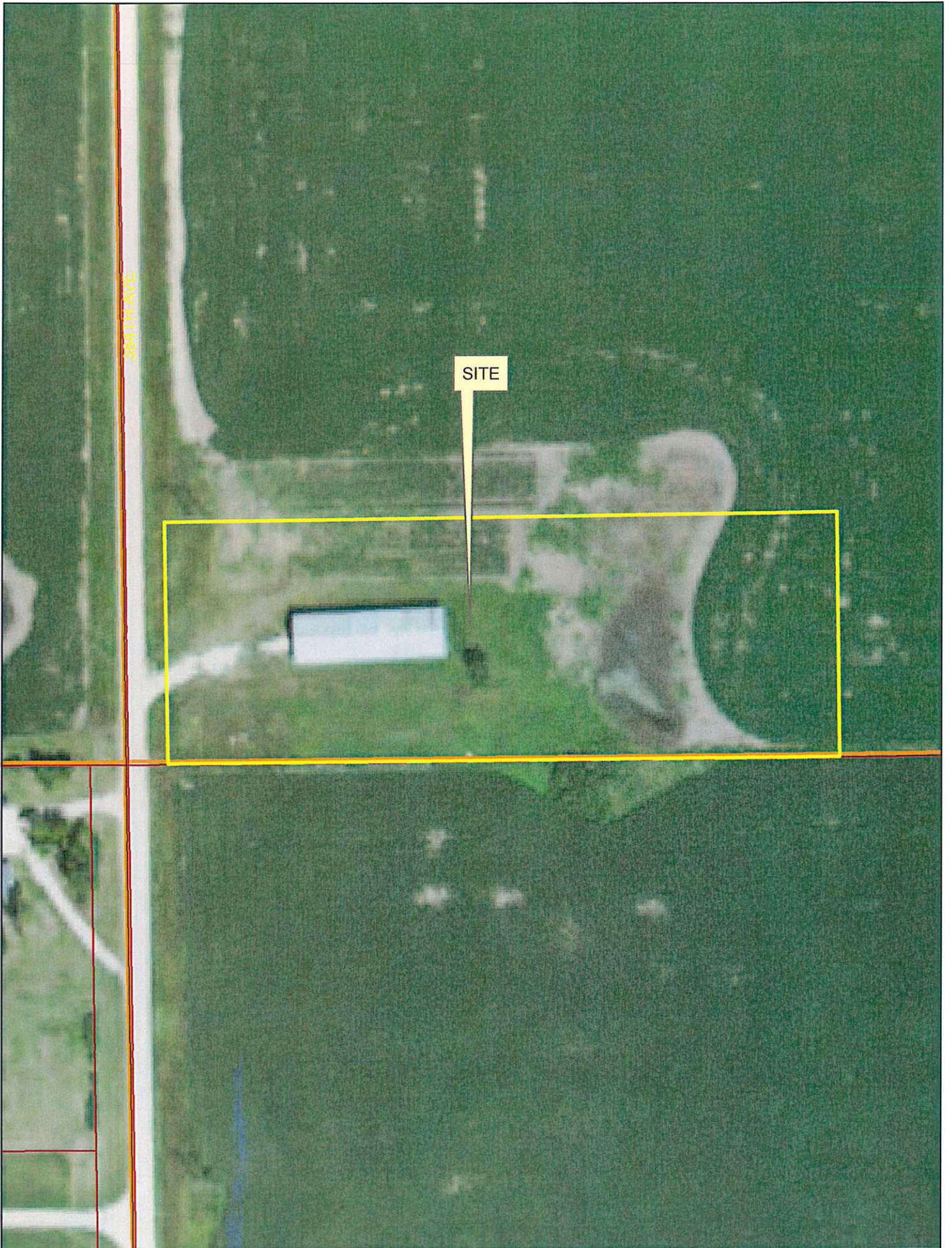
Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

at \_\_\_\_\_ O'clock \_\_\_\_ M., and duly recorded as Hanging

Plat No. \_\_\_\_\_.

\_\_\_\_\_  
Register of Deeds  
Brown County, South Dakota





SITE

384TH AVE