

# MINUTES

## REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY April 16, 2024 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** *Brown County Planning/Zoning Commission* meeting was called to order by Stan Beckler Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were Stan Beckler Chairman, 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. Ross Aldentaler, Dep. States Atty., Scott Bader P&Z Director, and Chris Anderson P&Z Specialist were also in attendance.
- III. **Agenda:** After discussion, Keatts moved and North seconded to approve this April 16, 2024, Planning/Zoning Commission Agenda. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Meyers moved and Weisenburger seconded to approve the February 20, 2024, Planning/Zoning Commission Minutes, all members voted aye; motion carried.
- V. **Old Business:**
  - 1) **Sign-up Sheet:** at door entrance on the table for anyone to speak on an Agenda Item.
  - 2) **Permits:** Anyone present that has submitted Zoning Board of Adjustment (BOA) items such as a Variance Petition (VP) or Conditional Use Petition (CUP) is still required to get their required PERMITS from the Zoning Office before starting their project if their request gets approved.
- VI. **New Business:** *Planning/Zoning Commission as Zoning Board of Adjustment (BOA)*
  - 1) **Variance to Setbacks** in a Mini-Agriculture District (M-AG) described as Lot 1, “Moen Subdivision in Lot 1, Evelo’s Outlots” in the SE1/4 of Section 35-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (3602 387th Avenue South, Aberdeen Twp.). Submitted by Jason Rudolph. Kanaly & Ken Krause were in attendance for this item. Following discussion on Findings of Facts (FoF), Gage moved, and North seconded to **approve the finding of facts (FoF)** as presented. Also following discussion, Gage moved, and North seconded to **approve a variance to setbacks** to have a 75’ East Front Yard Setback rather than the 100’ required in a Mini-Agriculture District (M-AG) for a moved-in house, all members voting aye, motion carried.
  - 2) **Variance to Approach Separation** in an Agriculture Preservation District (AG-P) described as The SE1/4 of Section 12-T124N-R65W, except the SE1/4 of the SE1/4 and except Highway R.O.W., of the 5<sup>th</sup> P.M., Brown County, South Dakota (37960 126<sup>th</sup> Street, Ravinia Twp.). Submitted by Greg & Nancy Odde. Greg Odde was in attendance for this item. Following discussion, Kurth moved, and North seconded to **approve the Finding of Facts (FoF) as presented.** Also following discussion, Kurth moved, and North seconded to **approve a Variance to Approach Separation** for a proposed new approach to be 360’ from an existing approach rather than the 500’ required by Brown County Ordinance in an Agriculture Preservation District (AG-P), all members voting aye, motion carried.

- 3) **Variance for 3 Residences** in an Agriculture preservation District (AG-P) described as The NE1/4 of Section 34-T127N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37781 111<sup>th</sup> Street, Allison Twp.). Submitted by Josh Walworth. Josh Walworth was in attendance for this item. Following discussion, Gage moved, and Kurth seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Gage moved, and Kurth seconded to ***approve a Variance for 3 Residences*** in an Agriculture Preservation District (AG-P), all members voting aye, motion carried.
- 4) **Conditional Use Petition (CUP)** in an Agriculture Preservation District (AG-P) described as The NE1/4 of Section 34-T127N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (Approx. 40190 124<sup>th</sup> Street, Claremont Twp.). Submitted by Kevin & Kara Pharis. Brian Friedrichsen, Sr. Eng., Dakota Environmental, Kevin & Kara Pharis were in attendance for this item. Following discussion, Weisenburger moved, and Gage seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Weisenburger moved, and Gage seconded to ***approve a Conditional Use Petition (CUP)*** for a Concentrated Animal Feeding Operation (CAFO) in an Agriculture Preservation District (AG-P) with the correction of 270 days rather than 365 days for the manure holding pit, all members voting aye, motion carried.
- 5) **Conditional Use Petition (CUP)** in a Highway Commercial District (H-C) described as Yeoman's Outlot 2 and 3 and the South 700' of 50' immediately to the East of and abutting on said Outlots 2 and 3 which is designed as an Access Road in the NE1/4 of Section 27-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12849 386<sup>th</sup> Avenue, Lincoln Twp.). Submitted by Russ Beadle. There wasn't anyone in attendance for this item. Following discussion, Keatts moved, and North seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Keatts moved, and North seconded to ***approve a Conditional Use Petition (CUP)*** for a 50' x 168' storage building & a future second storage building in a Highway Commercial District (H-C), all members voting aye, motion carried.
- 6) **Conditional Use Petition (CUP)** in an Agriculture Preservation District (AG-P) described as the Unplatted portion of the SE1/4 of Section 24-T124N-R65W, except "Squire's First Addition" and except "Jerke's First Addition" of the 5<sup>th</sup> P.M., Brown County, South Dakota (Approx. 382018 N Shore Drive, Ravinia Twp.). Submitted by Rick Adams (KGI Wireless/Verizon). Rick Adams was in attendance for this item. Following discussion, Meyers moved, and Kurth seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Meyers moved, and Kurth seconded to ***approve a Conditional Use Petition (CUP)*** for a new, 170' tall cell phone tower in an Agriculture Preservation District (AG-P), all members voting aye, motion carried.
- 7) **Variance to Approach Separation** in an Agriculture Preservation District (AG-P) described as the Unplatted portion of the SE1/4 of Section 24-T124N-R65W, except "Squire's First Addition" and except "Jerke's First Addition" of the 5<sup>th</sup> P.M., Brown County, South Dakota (Approx. 382018 N Shore Drive, Ravinia Twp.). Submitted by Rick Adams (KGI Wireless/Verizon). Rick Adams was in attendance for this item. Following discussion, Kurth moved, and Meyers seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Kurth moved, and Meyers seconded to ***approve a Variance to Approach Separation*** for a proposed new approach to be 450' from an existing approach rather than the 500' required by Brown County Ordinance in an Agriculture Preservation District (AG-P), all members voting aye, motion.
- 8) **Conditional Use Petition (CUP)** in a Highway Commercial District (AG-P) described as Outlot 1, "Rich Brothers Outlots" in the NW1/4 of Section 23-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39231 133<sup>rd</sup> Street, Bath Twp.). Submitted by Mariah Bloom, General Council. Mariah Bloom & Chad Lyke were in attendance for this item. Following discussion, North moved,

and Weisenburger seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, North moved, and Weisenburger seconded to **approve a Conditional Use Petition (CUP)** for a Change of Ownership of an existing Fireworks Business in a Highway Commercial District (H-C), all members voting aye, motion carried.

- 9) **Variance to Setbacks** in a Heavy Industrial District (H-I) described as “Mead’s Outlot D” in the E1/2 of Section 20-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38390 W Hwy 12, Aberdeen Twp.). Submitted by Jacob Ochsner. Jacob Ochsner was in attendance for this item. Following discussion on Findings of Facts (FoF), Gage moved, and Keatts seconded to **approve the finding of facts (FoF)** as presented. Also following discussion, Gage moved, and Keatts seconded to **approve a variance to setbacks** to have a 50’ East Front Yard Setback rather than the 100’ required in a Heavy Industrial District (H-I) for new office & shop buildings, 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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## REGULAR SCHEDULED MEETING

### BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, April 16, 2024 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Old Business:** Discussion on Amendments to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 on Administrative Rules and Enforcement are still Tabled until further notice, by Ross Aldentaler, Deputy States Attorney.
- II. **New Business:** *Brown county Planning/Zoning Commission as [Planning Commission](#)*
- 10) **Rezone Petition** for a property described as Proposed Lot 1, “Graf First Addition” in the SW1/4 of Section 19-T127N-R60W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10952 406<sup>th</sup> Avenue; North Detroit Twp) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Pernell Graf. No one was in attendance for this item. Following discussion, North moved, Kurth 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 Lot 1 & Lot 2, “Bendewald Farm Subdivision” in the SE1/4 of Section 12-T122N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13761 & 13767 382<sup>nd</sup> Avenue; Highland Twp) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Daniel & Michelle Smith. No one was in attendance for this item. Following discussion, Gage moved, Meyers 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 A & Lot B, “Leibel First Addition” in the NE1/4 of Section 11-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13115 393<sup>rd</sup> Avenue; Bath Twp) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture

District (M-AG). Submitted by Bill Kirschenmann. Kelly Leibel was in attendance for this item. Following discussion, Weisenburger moved, North 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 a property described as “Rivett Family Third Addition” in the SW1/4 & NW1/4 of Section 9-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (4407 8<sup>th</sup> Avenue NE, Aberdeen Twp.) Submitted by Adam Altman for owners Rivett Family Trust. Adam Altman was in attendance for this item. Following discussion, Gage moved, Keatts seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

**14) Preliminary & Final Plat** for conveyance purposes on a property described as “Leibel First Addition” in the NE1/4 of Section 11-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13115 393<sup>rd</sup> Street, Bath Twp.) Submitted by Bill Kirschenmann. Kelly Leibel was in attendance for this item. Following discussion, Kurth moved, North seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

**15) Preliminary & Final Plat** for conveyance purposes on a property described as “Graf First Addition” in the SW1/4 of Section 19-T127N-R60W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10952 406<sup>th</sup> Avenue; North Detroit Twp.). Submitted by Pernell Graf. No one was in attendance for this item. Following discussion, North moved, Weisenburger seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

**III. Other Business:** None

**IV. Adjourn:** There being no further business before the Planning/Zoning Commission, Keatts moved and Weisenburger seconded to adjourn the meeting, all members voting aye, motion carried.

Submitted by: Planning/Zoning Director Scott Bader.