

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY May 21, 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, Pat Keatts, Dale Kurth, James Meyers, Carrie Weisenburger, Michael Gage who serves on this Board (*per SDCL 11-2-2*), Mark Anderson, Dep. States Attorney, Paul Johnson (Alternate P&Z Commissioner).
- III. **Agenda:** After discussion, Keatts moved and Kurth seconded to approve this May 21, 2024, Planning/Zoning Commission Agenda as presented. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Gage moved and North seconded to approve the April 16, 2024, Planning/Zoning Commission Minutes as written, 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 have submitted Zoning Board of Adjustment (BOA) items such as a Variance Petition (VP) or Conditional Use Petition (CUP) are 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 Rural Urban District (RU) described as proposed Lot 1, “Kevin and Jean Nelson First Addition to the City of Columbia” in the NE1/4 of Section 29-T125N-R62W of the 5th P.M., Brown County, South Dakota (4 4th Avenue NW, Columbia City). Submitted by Kevin & Jean Nelson. There was not anyone in attendance for this item. Following discussion on Findings of Facts (FoF), North moved, and Keatts seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, North moved, and Keatts seconded to **approve a Variance to Building Setbacks** to have a 20’ South Front Yard Setback rather than the 25’ required and a 10’ North Rear Yard Setback rather than the 20’ required in a Rural Urban District (RU) for a 40’x48’ attached garage onto existing home, all members voting aye, motion carried.
 - 2) **Variance to Building Setbacks** in a Mini-Agriculture District (M-AG) described as Outlot 6, “Derian’s Outlots in the NW1/4 of Section 27-T123N-R64W of the 5th P.M., together with the 33’ strip of vacated Derian Drive next South of Outlot 6 and extending easterly to the center line of “A” Street extended South, Brown County, South Dakota (1826 Derian Drive, Aberdeen Twp.). Submitted by Susan Clark. There was not anyone in attendance for this item. It was brought up by the zoning office that a vacation of street right-of-way was found during research of this project and a variance to the south is not needed since that R-O-W was previously vacated. Following discussion, Weisenburger moved, and Kurth seconded to **approve the Finding of Facts (FoF) as**

presented. Also following discussion, Weisenburger moved, and Kurth seconded to **approve a Variance to Building Setbacks** for a 16'x32' unattached shed to have a 6' west Rear Yard Setback rather than the 20' required by Brown County Ordinance in a Mini-Agriculture District (M-AG). Following further discussion, all members voting aye, motion carried.

- 3) **Variance to Approach Separation** in a Mini-Agriculture District (M-AG) described as Proposed Lot 2, "Doeden First Addition" in the SE1/4 of Section 24-T123N-R65W of the 5th P.M., Brown County, South Dakota (13375 382nd Avenue, Mercier Twp.). Submitted by Chad Lyke for owner Toby Doeden. Chad Lyke and Sandy Dobberpuhl were 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 North seconded to **approve a Variance to Approach Separation** for a proposed new approach to be 225' and 320' from existing approaches rather than the 500' required by Brown County Ordinance in a Mini-Agriculture District (AG-P), all members voting aye, motion carried.

- 4) **Variance to Building Setbacks** in a Lake Front Residential District (R-3) described as Lots 31-34, "Raetzman's Richmond Lake Subdivision" in the NW1/4 of Section 13-T124N-R65W of the 5th P.M., Brown County, South Dakota (126383 North Bridge Road, Ravinia Twp.). Submitted by Collin & Deborah Gengerke. Collin & Deborah Gengerke were in attendance for this item. Following discussion, Kurth moved, and Weisenburger seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Kurth moved, and Weisenburger seconded to **approve a Variance to Building Setbacks** to have a SE Rear Yard Setback of 10' rather than 30' required and a NW Front Yard Setback of 20' rather than the 50' required by Brown County Ordinance in a Lake Front Residential District (R-3) for a new 40' x 90' house with attached garage and a 30' x 32' unattached garage with a stipulation the 4 lots be re-platted into 1 lot, all members voting aye, motion carried.

- 5) **Variance to Building Setbacks** 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 5th P.M., Brown County, South Dakota (12849 386th Avenue, Lincoln Twp.). Submitted by Russ Beadle. Russ Beadle was in attendance for this item. Following discussion, Meyers moved, and Keatts seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Meyers moved, and Keatts seconded to **approve a Variance to Building Setbacks** to have a 10' South Side Yard Setback rather than the 25' required by Brown County Ordinance for a new 15' office addition in a Highway Commercial District (H-C), all members voting aye, motion carried.

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

II. **New Business:** *Brown county Planning/Zoning Commission as [Planning Commission](#)*

10) Rezone Petition for a property described as Proposed Lot 1, “Beving Addition” in the W1/2 of the NE1/4 of Section 33-T123N-R65W of the 5th P.M., Brown County, South Dakota (37865 135th Street; Mercier Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Morgan & Jackie Beving. Morgan Beving was in attendance for this item. Following discussion, Gage 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 Lot 2A, “Jackson and Karlen’s Third Subdivision” in the NW1/4 & the N1/2 of the SW1/4 of Section 33-T125N-R62W of the 5th P.M., Brown County, South Dakota (12342 396th Avenue; Columbia Twp) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Julie Lillis. There wasn’t anyone in attendance for this item. Following discussion, Kurth moved, North seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners, all members voting aye, motion carried.

12) Preliminary & Final Plat for financial purposes on a property described as “Kevin and Jean Nelson First Addition to the City of Columbia” in the NE1/4 of Section 29-T125N-R62W of the 5th P.M., Brown County, South Dakota (4 4th Avenue NW, Columbia City). Submitted by Kevin & Jean Nelson. There wasn’t anyone in attendance for this item. Following discussion, Keatts moved, Gage seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

13) Preliminary & Final Plat for conveyance purposes on a property described as “Beving Addition” in the W1/2 of the NE1/4 of Section 35-T123N-R653W of the 5th P.M., Brown County, South Dakota (37865 135th Street, Mercier Twp.). Submitted by Morgan & Jackie Beving. Morgan Beving was in attendance for this item. Following discussion, North 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 “Jackson and Karlen’s Third Subdivision” in the NW1/4 & the N1/2 of the SW1/4 of Section 33-T125N-R62W of the 5th P.M., Brown County, South Dakota (12342 396th Avenue, Columbia Twp.). Submitted by Julie Lillis.

There wasn't anyone in attendance for this item. Following discussion, Weisenburger moved, Keatts seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

15) Preliminary Plat for review purposes on a property described as "Howling Woods Subdivision" in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (Approx. 1493 S 385th Avenue; Aberdeen Twp). Submitted by Troy & Rebecca Woehl. Troy, Rebecca and Andrew Woehl were in attendance for this item. Following discussion, Meyers moved, North seconded to **recommend approval of the Preliminary Plat** to the Board of Brown County Commissioners with a stipulation that one middle turnaround be located at Lots 4,5,12 & 13 and a turnaround be added at the east curve in the road, all members voting aye, motion carried.

16) Preliminary & Final Plat for conveyance purposes on a property described as "Doeden First Addition" in the SE1/4 of Section 24-T123N-R65W of the 5th P.M., Brown County, South Dakota (13371 & 13375 382nd Avenue, Mercier Twp.). Submitted by Chad Lyke for owner Toby Doeden. Chad Lyke was in attendance for this item. Following discussion, North moved, Kurth seconded to **recommend approval of the 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 "Jones-Wright Addition" in the E1/2 of Section 7-T123N-R6W of the 5th P.M., Brown County, South Dakota (13121 & 13159 393rd Avenue, Bath Twp.). Submitted by Zach Peterson for owners Todd & Connie Wright, William Wulff and Dennis Jones. There wasn't anyone 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 with a stipulation that the 2 newly platted parcels and 2 neighboring parcels be rezoned to their proper zoning, all members voting aye, motion carried.

III. Other Business: None

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

Submitted by: Planning/Zoning Director Scott Bader.