

AGENDA

BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, JUNE 18, 2024 – 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, Alternate Paul Johnson, and Stan Beckler-Chairman.
- III. **Approval of June 18, 2024, Agenda:** Motion: 1st _____ 2nd _____
- IV. **Approval of May 21, 2024, Minutes:** Motion: 1st _____ 2nd _____

ZONING BOARD OF ADJUSTMENT

- V. **Old Business:**
 1. **Sign-up sheet:** On the table by the door entrance, there is a Sign-up Sheet. Please legibly sign in and mark YES or NO if you want to speak to the Board on any Agenda Item.
 2. **Permits:** Anyone that has submitted a Variance Petition (VP) or a Conditional Use Petition (CUP) 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.
 3. **Hefty Seed:** 12484 406th Avenue. Justin Hanson informed Planning & Zoning that the fence around the pond was installed as stipulated during the October 17, 2023, meeting.
- VI. **New Business:** *Brown County Planning/Zoning Commission as Zoning Board of Adjustment (BOA).*
 1. **Variance to Building Setbacks** in a Mini-Agriculture District (M-AG) described as Lot 2, “Schinkel Second Subdivision” in the E1/2 of the E1/2 of Section 35-T122N-R61W of the 5th P.M., Brown County, South Dakota (14187 405th Avenue; West Hanson Twp.).
 2. **Variance to Building Setbacks** in a Rural Urban District (RU) described as Lots 4, 5 & 6, Block 9, “Blocks 9 to 13 Inclusive & Outlot E & F to the Town of Ferney” in the SW1/4 of Section 31-T122N-R60W of the 5th P.M., Brown County, South Dakota (205 Elm Street; East Hanson Twp.).
 3. **Appeal to Standard Approach Width** in a Heavy Industrial District (H-I) described as “Mead’s Outlot D” in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38390 West Highway 12; Aberdeen Twp.).
 4. **Conditional Use Petition (CUP)** in a Mini-Agriculture District (M-AG) described as Lot 1, “Brenner Addition” in the W1/2 of the SW1/4 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (13288 384th Avenue; Aberdeen Twp.).

5. **Variance to Building Setbacks** in an Agriculture Preservation District (AG-P) described as the NE1/4 of Section 31-T126N-R60W of the 5th P.M., Brown County, South Dakota (11747 407th Avenue, South Detroit Twp.).
6. **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lot 1, “Marvin and Gweneth Hansen First Addition” in the NW1/4 of the NE1/4 of Section 6-T128N-R61W of the 5th P.M., Brown County, South Dakota (40055 100th Street; Liberty Twp.).
7. **Conditional Use Petition (CUP)** in an Agriculture Preservation District (AG-P) described as “Shawn Gengerke’s Outlot 1” in the NW1/4 of Section 19-T124N-R60W of the 5th P.M., Brown County, South Dakota (40605 127th Street; Riverside Twp.).
8. **Conditional Use Petition (CUP)** in a Heavy Industrial District (H-I) described as Lot 2, “WEB Water Development 1st Subdivision” in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38456 West Highway 12; Aberdeen Twp.).
9. **Variance to Lot Frontage Width** in a Mini-Agriculture District (M-AG) described as Proposed Lot 9, “Howling Woods Subdivision” in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (2435 Howling Woods Lane; Aberdeen Twp.).

VII. Other Business:

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

AGENDA

BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, JUNE 18, 2024 – 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 proposed Lot 1, “Beving-Webb Addition” in the SE1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue, Mercier Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG).

11. **Rezone Petition** for a property described as Lots 1 & 2, “Wright Third Subdivision” in the NE1/4 of Section 7-T123N-R62W and Lots 1 & 2, “Jones-Wright Addition” in the E1/2 of Section 7-T123N-R62W, all of the 5th P.M., Brown County, South Dakota (13121, 13145, 13149 & 13153 395th Avenue, Bath Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) (13145, 13149 & 13149 395th Avenue) and from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) - (13121, 13145, 13149 & 13153 395th Avenue).
12. **Preliminary & Final Plat** for conveyance purposes on a property described as “Beving-Webb Addition” in the SE1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue, Mercier Twp.).
13. **Preliminary & Final Plat** for conveyance purposes on a property described as “Marvin and Gweneth Hansen First Addition” in the NW1/4 of the NE1/4 of Section 6-T128N-R61W of the 5th P.M., Brown County, South Dakota (40055 100th Street, Liberty Twp.).
14. **Preliminary & Final Plat** for development and conveyance 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 (2435 Howling Woods Lane; Aberdeen Twp.).

15. **Other Business:** Executive Session if requested.

16. **Motion to Adjourn:** 1st _____ 2nd _____

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.

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. **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.

STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO BUILDING SETBACKS in M-AG
(Mini-Agriculture District (M-AG))

ITEM 01

GENERAL INFORMATION:

OWNER:	Matthew & Nicole Jacobsen
PETITIONER:	Matthew & Nicole Jacobsen
REQUEST:	VARIANCE TO SETBACKS IN A MINI-AGRICULTURE DISTRICT (M-AG)
LEGAL DESCRIPTION:	Lot 2, "Schinkel Second Subdivision" in the E1/2 of the E1/2 of Section 35-T122N-R61W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	14187 405 th Avenue
CITY/TOWNSHIP:	West Hanson Twp
EXISTING ZONING:	Mini-Agriculture District (M-AG)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
East:	Mini-Agriculture District (M-AG) / Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water; Northern Electric Coop.
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 30'-0" East Front Yard Setback rather than the 100' Setback required by Brown County Ordinance to build a new house on an existing foundation.


GENERAL REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: May 8, 2024
RECEIPT # 821966
TOWNSHIP: West Hanson Twp.

FEE: \$125.00
PAID: YES/NO CHK/CASH
DATE: 5/23/2024

OWNERS NAME (print): Matthew & Nicole Jacobsen
OWNERS SIGNATURE: 
OWNERS ADDRESS: 14187 405th Avenue
OWNERS CITY, STATE, ZIP: Conde, SD 57434
OWNERS PHONE: 605-280-9515
OWNERS EMAIL: matt.w.jacobsen@gmail.com npfitzer@hotmail.com

AGENTS NAME (print): _____
AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____
AGENTS EMAIL: _____

REQUEST: ^{30'-0"} Petitioner is requesting a ~~40'-0"~~ East Front Yard Setback rather than the 100'-0" Setback required by Brown County Ordinance to build a new house on the existing foundation.

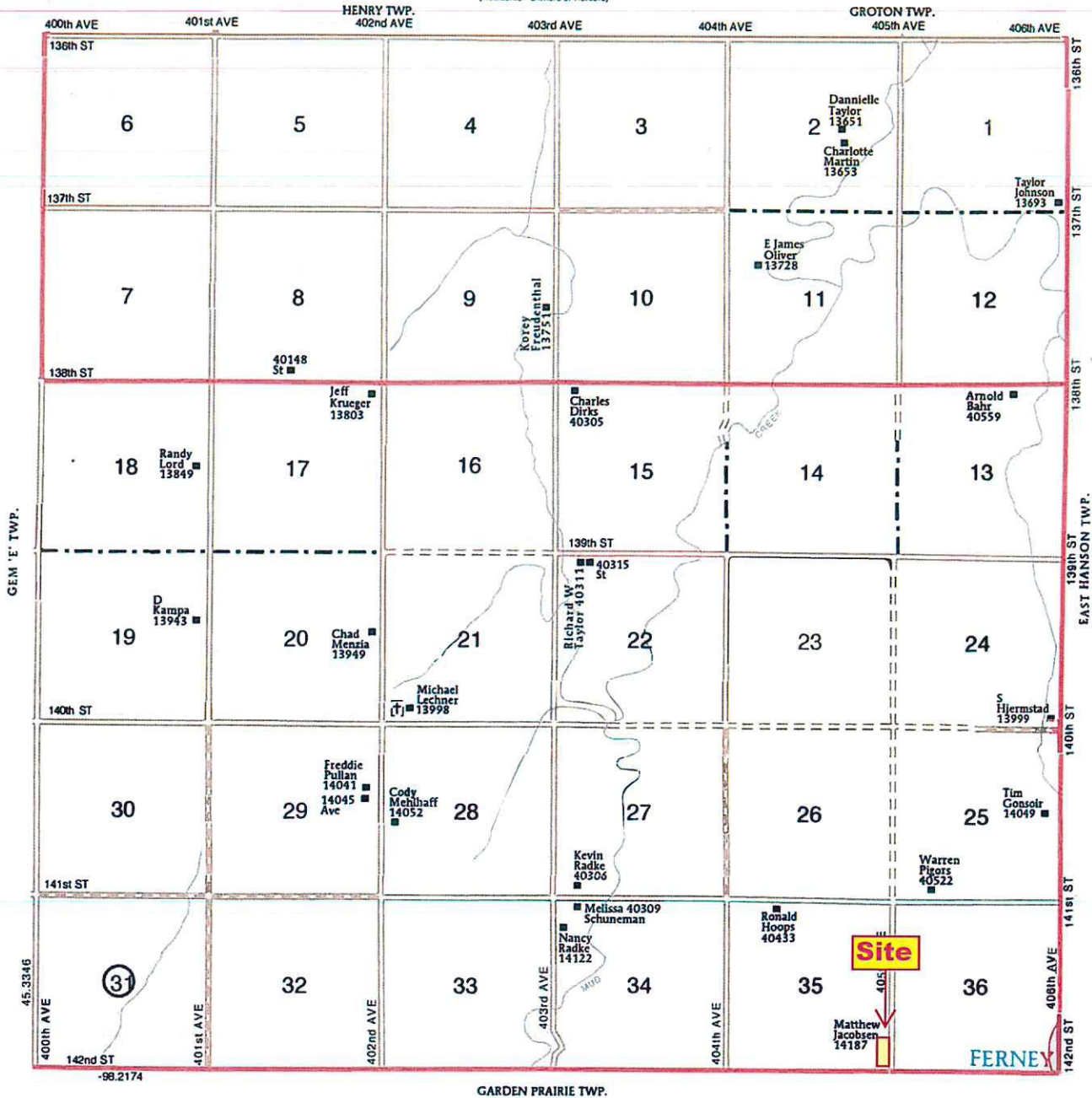
LEGAL DESCRIPTION: Lot 2, "Schinkel Second Subdivision" in the E1/2 of the E1/2 of Section 35-T122N-R61W of the 5th P.M., Brown County, South Dakota.

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: June 18, 2024 **TIME:** 7:00 P.M.

(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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Matthew & Nicole Jacobsen

Description of property: Lot 2, "Schinkel Second Subdivision" in the E1/2 of the E1/2 of Section 35-T122N-R61W of the 5th P.M., Brown County, South Dakota (14187 405th Avenue, West Hanson Twp.).

Reason: A Variance for Building Setbacks in a Mini-Agriculture District (M-AG) to be 30'-0" from the East Front Yard property line rather than 100'-0" Setback required by Brown County Ordinance to build a new house on an existing foundation.

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

Dated this 5th day of June, 2024

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 _____.

(Jacobsen)

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

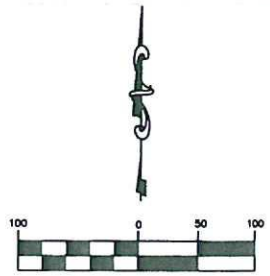
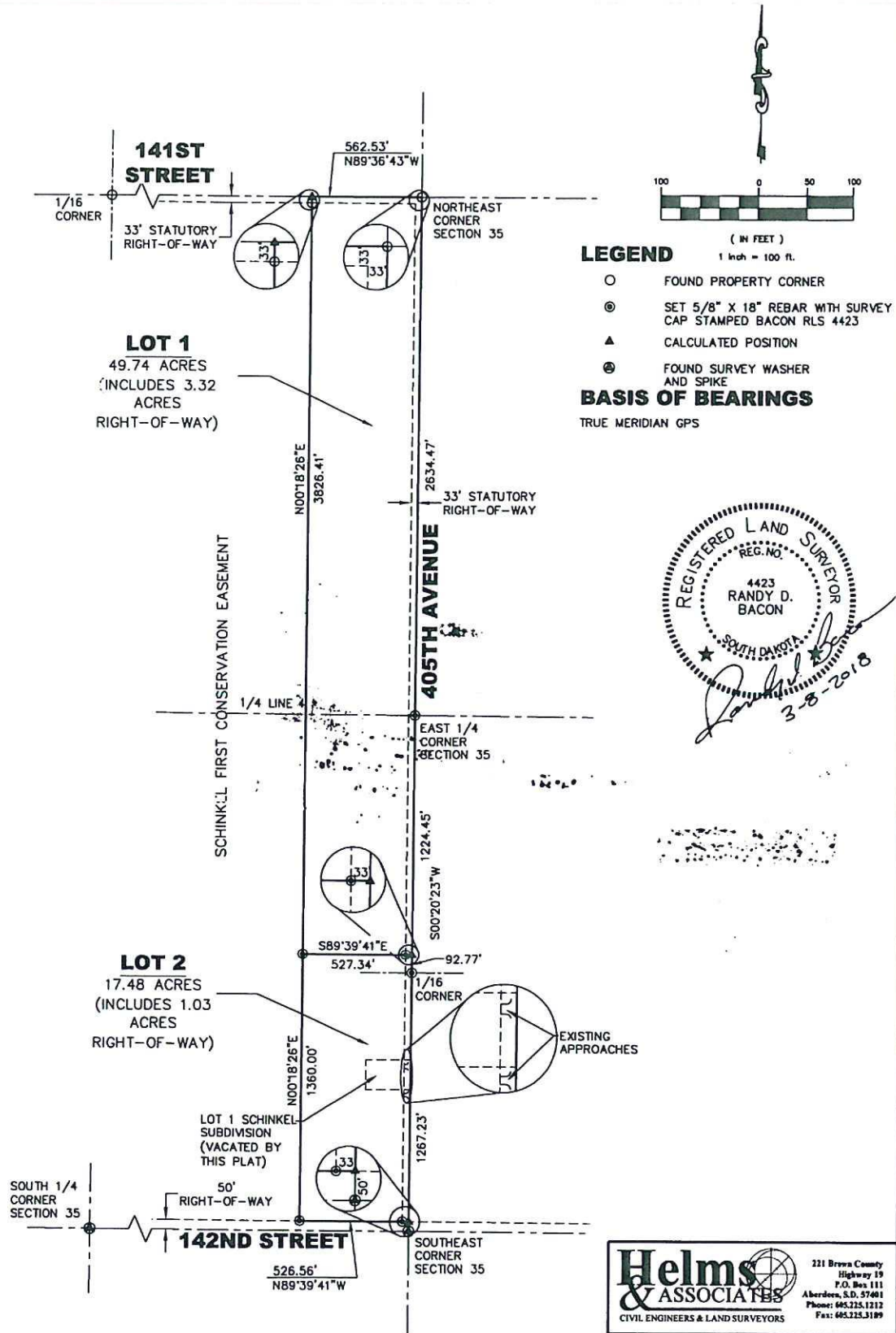
Whether special conditions exist to grant a variance?

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 must be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	The petitioner would like a Variance to Setbacks to build a new house on the existing foundation.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does not mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input checked="" type="checkbox"/>	No <input 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"/>	

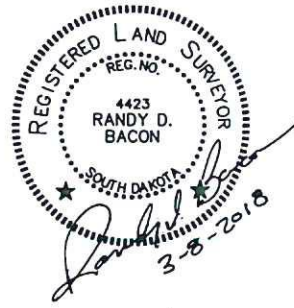
PLAT OF

A-6847

SCHINKEL SECOND SUBDIVISION IN THE EAST 1/2 OF THE EAST 1/2 OF SECTION 35-T122N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



- LEGEND**
- FOUND PROPERTY CORNER
 - ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
 - ▲ CALCULATED POSITION
 - ⊕ FOUND SURVEY WASHER AND SPIKE
- BASIS OF BEARINGS**
TRUE MERIDIAN GPS



Helms & Associates
CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County Highway 19
P.O. Box 1111
Aberdeen, S.D. 57401
Phone: 605.325.1212
Fax: 605.325.3189

DWG. 6847-LS BY: TMO SHEET 1 OF 3

PLAT OF

A-6847

SCHINKEL SECOND SUBDIVISION IN THE EAST 1/2 OF THE EAST 1/2 OF SECTION 35-T122N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF DANIEL SCHINKEL AND MARJAE SCHINKEL AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO MARCH 1, 2018, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: SCHINKEL SECOND SUBDIVISION IN THE EAST 1/2 OF THE EAST 1/2 OF SECTION 35-T122N-R61W 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 8 DAY OF March, 2018.

[Signature of Randy D. Bacon]
RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS SCHINKEL SECOND SUBDIVISION IN THE EAST 1/2 OF THE EAST 1/2 OF SECTION 35-T122N-R61W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS 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 12th DAY OF MARCH, 2018

[Signature of Daniel Schinkel]
DANIEL SCHINKEL
[Signature of Marjae Schinkel]
MARJAE SCHINKEL

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF SCHINKEL SUBDIVISION, AS RECORDED AS PLAT 1775H, ON OCTOBER 16, 2002 IN THE BROWN COUNTY COUNTY, REGISTER OF DEEDS OFFICE. THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 12th DAY OF MARCH, 2018

FORMERLY DESCRIBED AS

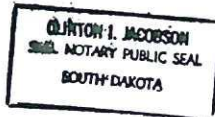
LOT 1 SCHINKEL SUBDIVISION IN THE E1/2 E1/2 OF SECTION 35-T122N-R61W OF THE 5th P.M.

[Signature of Daniel Schinkel]
DANIEL SCHINKEL
[Signature of Marjae Schinkel]
MARJAE SCHINKEL

ACKNOWLEDGEMENT

STATE OF SD)
COUNTY OF BROWN)SS

ON THIS THE 12th DAY OF MARCH, 2018, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DANIEL SCHINKEL AND MARJAE SCHINKEL KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.



[Signature of Clinton I. Jacobson]
Clinton I. Jacobson
NOTARY PUBLIC, South Dakota STATE



MY COMMISSION EXPIRES:

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 24th DAY OF March, 2018

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING SCHINKEL SECOND SUBDIVISION IN THE EAST 1/2 OF THE EAST 1/2 OF SECTION 35-T122N-R61W 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."

[Signature of Secretary]
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 27 DAY OF March, 2018

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING SCHINKEL SECOND SUBDIVISION IN THE EAST 1/2 OF THE EAST 1/2 OF SECTION 35-T122N-R61W 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."

[Signature of County Auditor]
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

PLAT OF

A-6847

**SCHINKEL SECOND SUBDIVISION IN THE EAST 1/2
OF THE EAST 1/2 OF SECTION 35-T122N-R61W
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 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: Charles Dinko
HIGHWAY AUTHORITY

TITLE: W. Hanson Supervisor

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF 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: Jay Stange
HIGHWAY AUTHORITY

TITLE: GARDEN PRAIRIE SUPERVISOR

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS 13 DAY OF March, 2018

Bucky Jensen
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 9th DAY OF March, 2018

Nanometer, de la Cruz
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS 28th DAY OF March, 2018 AT 11:35 O'CLOCK A.M. AND DULY RECORDED AS PLAT NO. 3461

Kari Steiner, Deputy
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

INSTRUMENT NO. 201801512
BOOK: 2 PLAT
PAGE: 3461

Pages: 3

2018/03/28 11:35:29 AM

CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 60.00
Return To: FILED



CERTIFICATE OF SURVEY

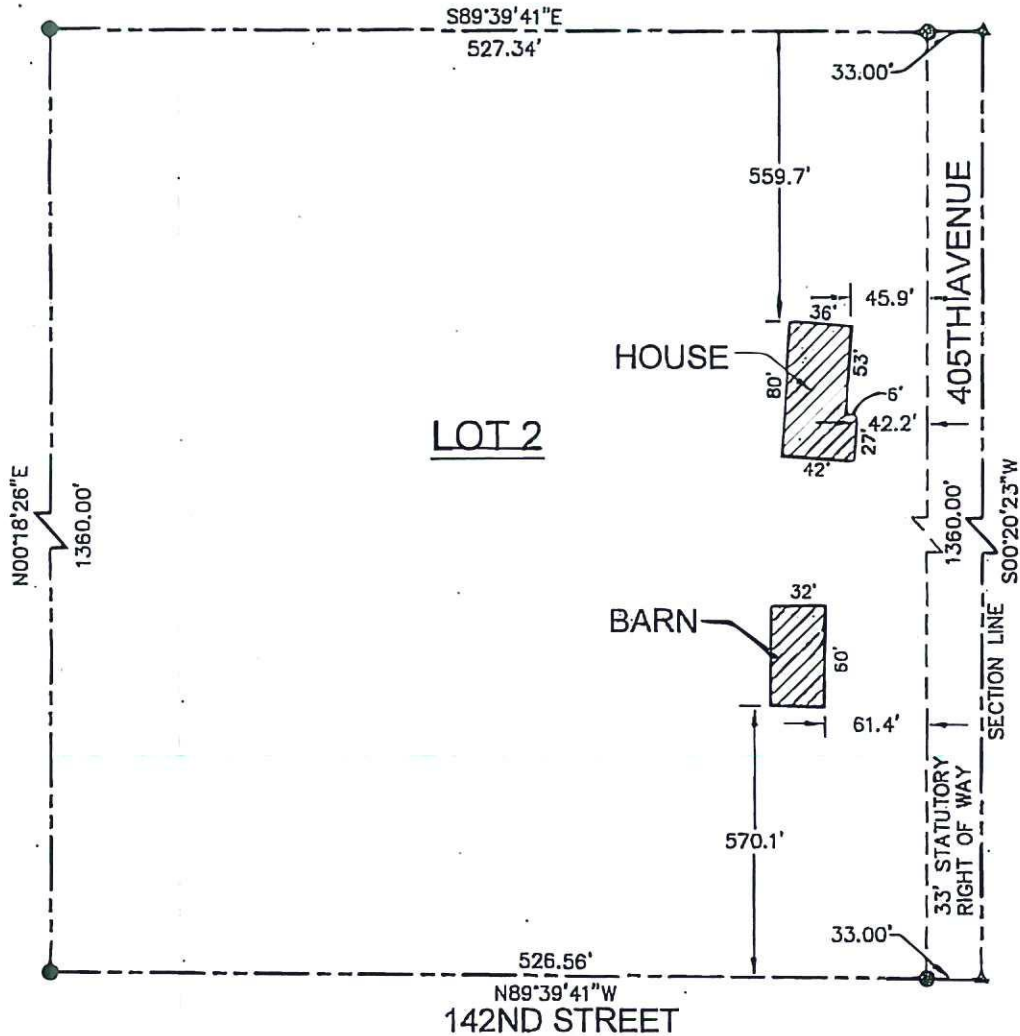
A-6910

LOT 2 OF SCHINKEL SECOND SUBDIVISION IN THE E 1/2 E1/2
OF SECTION 35 T-122N-R61W OF THE 5TH P.M.,
BROWN COUNTY, SOUTH DAKOTA

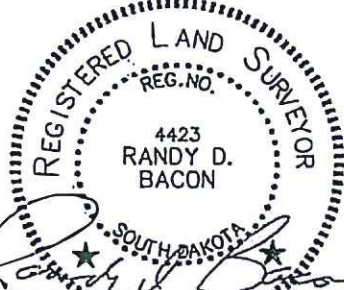
LEGEND

- FOUND PROPERTY CORNER
BACON RLS 4423
- ▲ CALCULATED POSITION

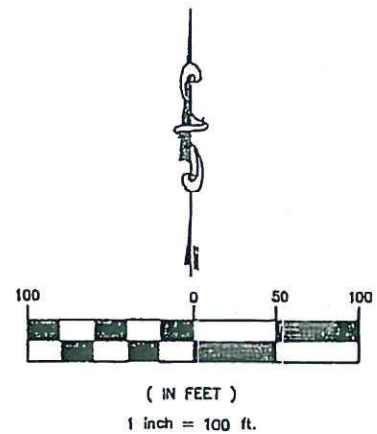
ADDRESS: 14187 405TH AVENUE, CONDE, SD 57434



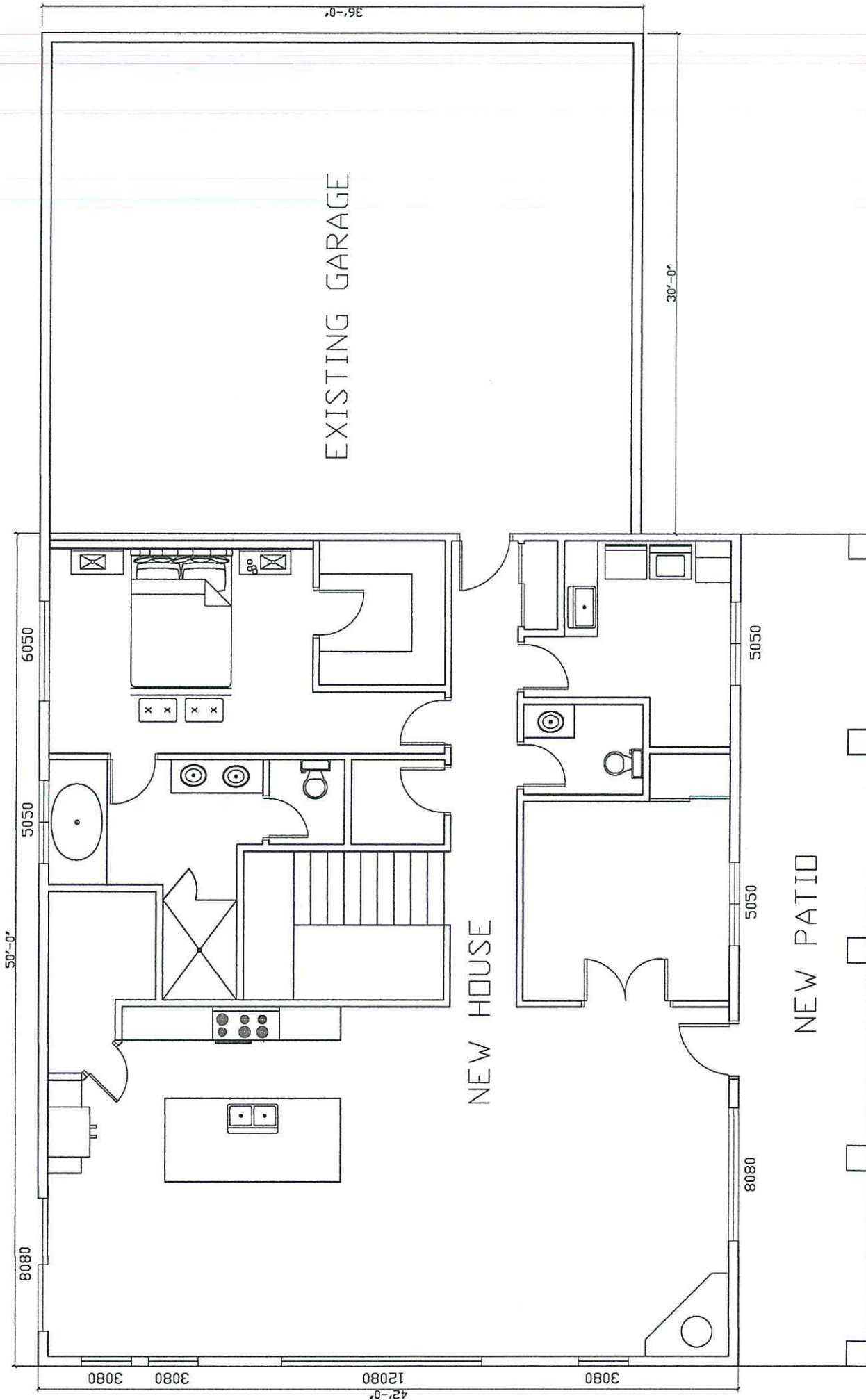
I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA.



Randy D. Bacon 5-4-18
REGISTERED LAND SURVEYOR NO. 4423



<p>Helms & Associates CIVIL ENGINEERS & LAND SURVEYORS</p>	<p>P.O. BOX 111 - 221 BROWN COUNTY 19 ABERDEEN, SOUTH DAKOTA 57401 PHONE: (605)225-1212 - FAX: (605)225-3189</p>	<p>14187 405TH AVENUE CONDE, SOUTH DAKOTA</p>	
		<p>Dwg. No. A-6910</p>	<p>Date: 05/04/18</p>



1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"

Power Poles
7½ feet from
road

Power Poles
23 ft south
of house



Septic
Tank
29 ft



Road built up twice

Dead trees
from water

Waterline in
2019







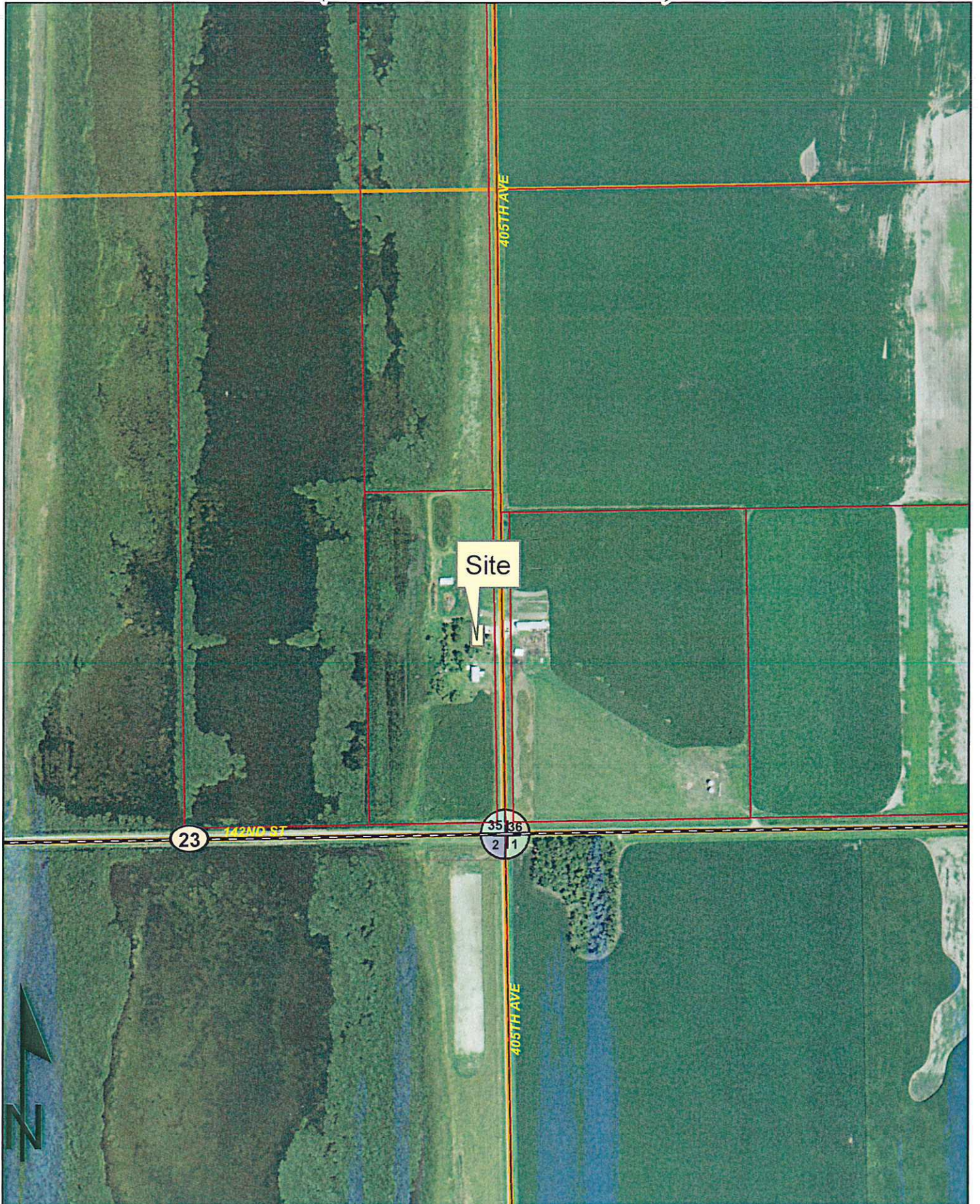




12

BROWN COUNTY GIS MAP

(FOR REFERENCE ONLY)



BROWN COUNTY GIS MAP

(FOR REFERENCE ONLY)



Matthew & Nicole Jacobsen
14187 405th Avenue
Conde SD 57434

West Hanson Township
C/O Charles Dirks
40305 138th Street
Groton SD 57445

Daniel & Marjae Schinkel
229 9th Avenue E
Groton SD 57445

Clint & Kiersten Sombke
14249 406th Avenue
Conde SD 57434

Schinkel Family Trust
210 Center Street
Ferney SD 57439

**AFFIDAVIT OF
PUBLICATION**

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County
Jacobsen Variance Application
Published June 5, 2024 for \$13.18
Invoice No. 23343**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public


My Commission Expires January 24, 2030
Bond Number: 107962682

The Groton Independent
 21 N Main, Groton 605/397-NEWS (6397)
 Paul Irvin Kosel, Publisher paperaul@grotonsd.net
 ~ 605-397-7460
 Tina Kosel, Office Manager office@grotonsd.net
 ~ 605-397-7285

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 News Items: news@grotonsd.net
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 Groton, SD 57445-0034



FREDERICK AREA SCHOOL DISTRICT #6-2
 Joint Board of Education Meeting
 May 29, 2024

The joint athletic cooperative meeting of the Frederick Area Board of Education and Leola Board of Education was called to order on May 29, 2024 at 7:00 p.m. by President Rich Schlosser at the Frederick Area School District gymnasium. Frederick Area school board members present were Jon Ellwein, Alex Hart and Eric Sumption; absent: Rich Achen. Leola school board members present were ReEtta Sisk, Kristi Spitzer, Richard Westphal, Arnie Wollman and Trevor Zantow. Others present were Superintendent/Athletic Director Jeff Koster, Leola Principal/Athletic Director Brett Flemmer, Business Managers Shauna Severson and Kayla Casey. Others in attendance were Samantha Kallas, Greta Thorpe, Trista Nickelson, Bryson Thorpe and Marty Morlock.

The meeting began with all present reciting the Pledge of Allegiance.
 Motion 2024-112 Motion by Ellwein, second by Hart to approve the agenda as presented. All voted aye. Motion carried.
 Greta Thorpe spoke during public comment.

Samantha Kallas was recognized as an incoming member for the Leola School District. Coop Committee Members will be set at the July re-organizational meetings for both districts.

The 2024-25 Sports Coop activity schedules were presented to the Boards. The Fall Sports Parents' Meeting will be held in Leola on August 1, 2024.

Motion 2024-113 Motion by Sumption, second by Ellwein to reinstate the grace period that was removed last year to the eligibility policy within the 2024-25 Student Activity Handbook. All voted Aye. Motion carried.

Motion 2024-114 Motion by Hart, second by Ellwein to approve the 2024-25 Student Activity Handbook with the additional proposed changes: increase admission charges to Adults - \$6 and Students - \$4 and approve the new concussion platform, SWAY. All voted Aye. Motion carried.

Motion 2024-115 Motion by Sumption, second by Hart to approve the 2024-25 Sports Coop Agreement with the proposed changes: increase admission charges to Adults - \$6 and Students - \$4; change rSchool Today to Bound; increase event worker pay for the following: clock, score, book, announcer, line judge, libero tracker, chain gang from \$15 to \$25 and certified junior high ref from \$35 to \$50; and Fundraising/Donations to include that coaches should have approval from admin before moving forward with any fundraiser and fundraising may not be used for payment toward a volunteer coach within the program. All voted Aye. Motion carried.

Motion 2024-116 Motion by Sumption, second by Ellwein to approve the 2023-24 reconciliation. All voted Aye. Motion carried.

Motion 2024-117 Motion by Sumption, second by Ellwein to adjourn at 7:40 p.m. All voted aye, carried.

Rich Schlosser, President
 Shauna Severson, Business Manager
 Published June 5, 2024, at the total approximate cost of \$29.53 and may be viewed free of charge at www.sdpublicnotices.com. 23336



NOTICE
 Application has been made by Morgan & Jackie Beving to the Brown County Board of Commissioners for a change of zoning. Hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota on June 18, 2024 for the purpose of rezoning the following properties from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use:

Proposed Lot 1, "Beving Addition" in the W1/2 of the NE1/4 of Section 35-T123N-R65W of the 5th P.M., Brown County, South Dakota (37865 135th Street; Mercier Twp.).
 The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 271.

ATTEST:
 Lynn Heupel
 Brown County Auditor
 Published June 5, 2024, at the total approximate cost of \$11.96 may be viewed free of charge at www.sdpublicnotices.com. 23341



NOTICE
 Application has been made by Julie Lillis to the Brown County Board of Commissioners for a change of zoning. Hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota on June 18, 2024 for the purpose of rezoning the following properties from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use:

Proposed 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.).
 The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 272.

ATTEST:
 Lynn Heupel
 Brown County Auditor
 Published June 5, 2024, at the total approximate cost of \$12.26 may be viewed free of charge at www.sdpublicnotices.com. 23342



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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Matthew & Nicole Jacobsen
 Description of property: Lot 2, "Schinkel Second Subdivision" in the E1/2 of the E1/2 of Section 35-T122N-R61W of the 5th P.M., Brown County, South Dakota (11487 405th Avenue, West Hanson Twp.).
 Reason: A Variance for Building Setbacks in a Mini-Agriculture District (M-AG) to be 30'-0" from the East Front Yard property line rather than 100'-0" setback required by Brown County Ordinance to build a new house on an existing foundation.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 5th day of June, 2024.

Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401
 Office: (605) 626-7144
 Published June 5, 2024, at the total approximate cost of \$13.18 may be viewed free of charge at www.sdpublicnotices.com. 23343



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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Harry Impelment, Inc. (Steve Harry)
 Description of property: Lots 4, 5, & 6, Blocks 9 to 13 Inclusive & Outlot E & F to the Town of Ferney" in the SW1/4 of Section 31-T122N-R60W of the 5th P.M., Brown County, South Dakota (205 Elm Street, East Hanson Twp.).

Reason: A Variance for Building Setbacks in a Rural Urban District (R-U) to be 8'-0" from the West Side Street Setback rather than the 15'-0" required by Brown County Ordinance to add a 30' x 30' addition onto the south side of the existing garage.
 The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 5th day of June, 2024.

Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401
 Office: (605) 626-7144
 Published June 5, 2024, at the total approximate cost of \$13.49 may be viewed free of charge at www.sdpublicnotices.com. 23344



NOTICE OF HEARING
 Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Daniel Brenner
 Legal description of property: Lot 1, "Brenner Addition" in the W1/2 of the SW1/4 of Section 16-T124N-R64W of the 5th P.M., Brown County, South Dakota (11747 407th Avenue, South Detroit Twp.).

Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in a Mini-Agriculture District (M-AG)
 The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 5th day of June, 2024.

Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401
 Office: (605) 626-7144
 Published June 5, 2024, at the total approximate cost of \$12.57 may be viewed free of charge at www.sdpublicnotices.com. 23345



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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: McCranie Farms, Inc. & MKMC Farms, Inc.
 Description of property: The NE1/4 of Section 31-T126N-R60W of the 5th P.M., Brown County, South Dakota (11747 407th Avenue, South Detroit Twp.).

Reason: A Variance for Building Setbacks in an Agriculture Preservation District (AG-P) to be 5'-0" from the South Side Yard property line rather than the 20'-0" setback required by Brown County Ordinance to build a new shop with an office addition.
 The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 5th day of June, 2024.

Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401
 Office: (605) 626-7144
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 SATURDAY, JULY 27, 2024



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STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO BUILDING SETBACKS in RU

ITEM 02

Rural Urban District (RU)

GENERAL INFORMATION:

OWNER:	Harry Implement, Inc. (Steve Harry)
PETITIONER:	Harry Implement, Inc. (Steve Harry)
REQUEST:	VARIANCE TO SETBACKS IN A RURAL URBAN DISTRICT (RU)
LEGAL DESCRIPTION:	Lots 4, 5 & 6, Block 9, "Blocks 9 to 13 Inclusive & Outlot E & F to the Town of Ferney" in the SW1/4 of Section 31-T122N-R60W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	205 Elm Street
CITY/TOWNSHIP:	East Hanson Twp
EXISTING ZONING:	Rural Urban (RU)
SURROUNDING ZONING:	
North:	Rural Urban District (RU)
South:	Rural Urban District (RU)
West:	Rural Urban District (RU)
East:	Rural Urban District (RU)
PUBLIC UTILITIES:	WEB Water; Northern Electric Coop.
REPORTED BY:	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Building Setbacks in a Rural Urban District (RU) to have an 8'-0" West Side Street Setback rather than the 15' Setback required by Brown County Ordinance to add a 30' x 30' addition onto the south side of the existing garage.

GENERAL REVIEW: Scott witnessed SW and NW property pins on-site.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: May 8, 2024
RECEIPT # 821973
TOWNSHIP: East Hanson Twp.

FEE: \$125.00
PAID: YES/NO CHK/CASH
DATE: May 31, 2024

OWNERS NAME (print): Harry Implement - Steve Harry
OWNERS SIGNATURE: *Steve Harry* 5-31-24
OWNERS ADDRESS: 205 Elm Street PO Box 84
OWNERS CITY, STATE, ZIP: Ferney, SD 57439
OWNERS PHONE: 605-380-1560
OWNERS EMAIL: s.harry@harrysinc.com

AGENTS NAME (print): _____
AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____
AGENTS EMAIL: _____

REQUEST: Petitioner is requesting an 8'-0" West Side Street Setback rather than the 15'-0" Setback required by Brown County Ordinance to add a 30' x 30' addition onto the south side of the existing garage.

LEGAL DESCRIPTION: Lots 4, 5 & 6, Block 9, "Blocks 9 to 13 Inclusive & Outlot E & F to the Town of Ferney" in the SW1/4 of Section 31-T122N-R60W of the 5th P.M., Brown County, South Dakota.

Planning Commission Action: Approved / Denied _____

By: _____ Date: _____

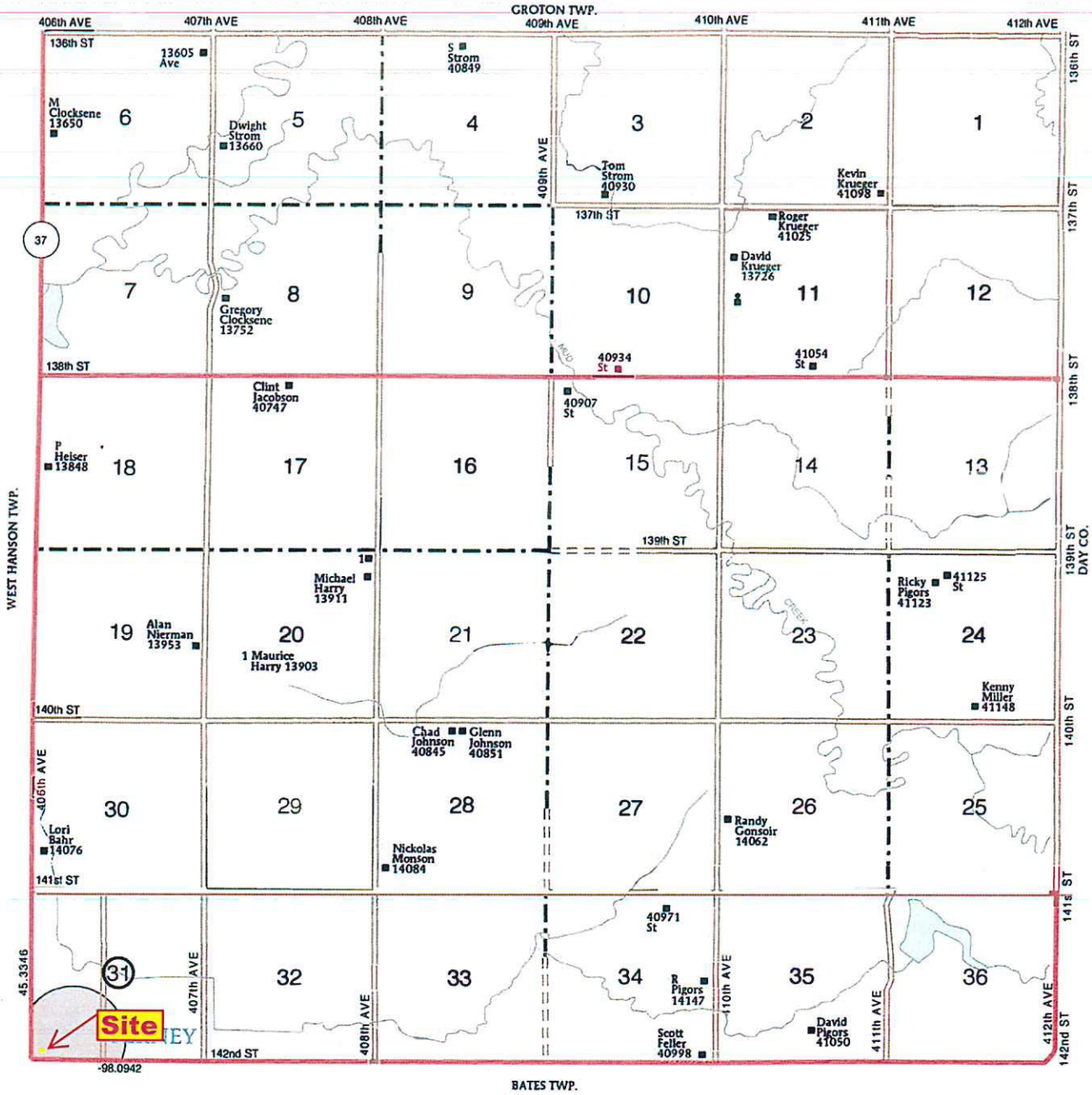
HEARING DATE: June 18, 2024 **TIME:** 7:00 P.M.

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

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • www.brown.sd.us • 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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Harry Implement, Inc. (Steve Harry)

Description of property: Lots 4, 5, & 6, Blocks 9 to 13 Inclusive & Outlot E & F to the Town of Ferney" in the SW1/4 of Section 31-T122N-R60W of the 5th P.M., Brown County, South Dakota (205 Elm Street, East Hanson Twp.).

Reason: A Variance for Building Setbacks in a Rural Urban District (R-U) to be 8'-0" from the West Side Street Setback rather than the 15'-0" required by Brown County Ordinance to add a 30' x 30' addition onto the south side of the existing garage.

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

Dated this 5th day of June, 2024

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 _____.

(Harry Implement)

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 must 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 not 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"/>

The petitioner would like a Variance to Setbacks for a 30' x 30' addition to the south side of the existing garage.

Blocks 9 to 13 Inclusive and Out Lots E. & F.

TO THE TOWN OF

FERNEY 94

BROWN CO. S.D. DAKOTA

I hereby certify that at the request of the WESTERN TOWN LOT COMPANY, described in the foregoing surveyor's certificate, did cause a part thereof, as shown on the plat hereon drawn, to be subdivided and plotted for the purpose of establishing "Blocks 9 to 13 inclusive and Out Lots E. & F." to the Town of Fereny, a part of the South-West quarter of Section Thirty one (31), in Township One hundred and twenty-two (122) North, of Range Sixty (60) West of the 5th Principal Meridian, and situate in Brown County, in the State of South Dakota, as shown on the plat hereon drawn Witness my hand, this 11th day of August A.D. 1904.

H. Orwig
Surveyor

Be it known that the WESTERN TOWN LOT COMPANY, the owner of the land described in the foregoing surveyor's certificate, did cause a part thereof, as shown on the plat hereon drawn, to be subdivided and plotted for the purpose of establishing "Blocks 9 to 13 inclusive and Out Lots E. & F." to the Town of Fereny, that the within plat is a true representation of said subdivision, and that the streets and alleys, as on said plat shown, are dedicated to public use forever.

In testimony whereof the WESTERN TOWN LOT COMPANY has caused these presents to be signed by its President, its corporate seal to be thereto affixed and attested by its Secretary, on this 11th day of August A.D. 1904.

WESTERN TOWN LOT COMPANY,
By *W. C. Campbell*
President

Attest: *J. M. D. D. D. D.*
Secretary

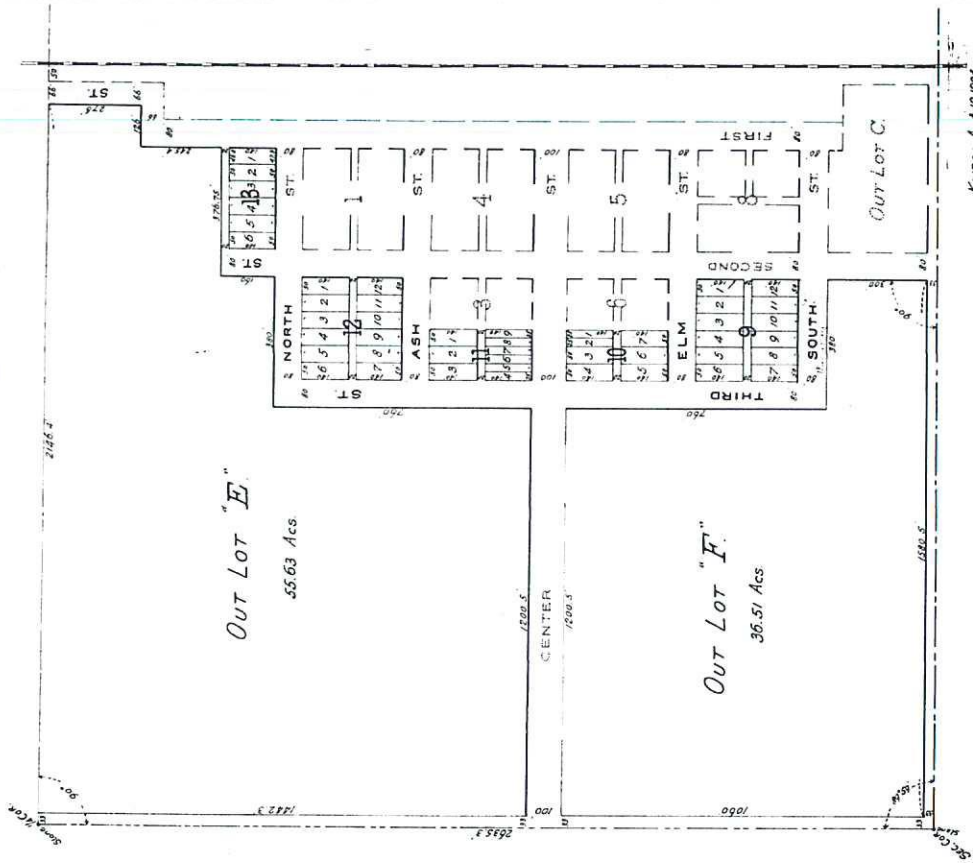
STATE OF ILLINOIS }
COUNTY OF COOK }
I, *Hugh C. Hight*, President, and *J. B. Redfield*, Secretary, of the WESTERN TOWN LOT COMPANY, to me known to be the persons who, as such President and Secretary, executed the foregoing certificate, do acknowledge that they signed the same pursuant to authority vested in them by the Board of Directors of said Company, and that the subdivision of the land described in the foregoing surveyor's certificate and as shown on the plat hereon drawn, is the free act and deed of said Company for the purposes aforesaid.

And at the same time and place personally appeared *H. I. Orwig*, to me known to be the person who, as surveyor, executed the foregoing surveyor's certificate and as acknowledged the within plat, and that he executed said certificate voluntarily for the uses and purposes aforesaid.

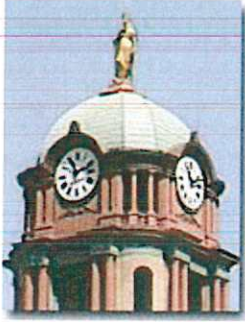
Witness my hand and Notarial Seal, the day and year aforesaid.

Amos D. Noble
Notary Public

PA 11 21 04
R. H. Hight
Notary Public



Hoyzer, Aug 10 1904



Brown County Zoning Office

25 Market Street

Aberdeen, SD 57401

Phone: 605.626.7144; Fax: 605.626.4010

www.brown.sd.us Scott.Bader@browncounty.sd.gov

Date: May 6, 2024

Reference: Parcel 30230

Owner: Harry Implement Inc.

Steve Harry,

You have submitted a request to build a 30' X 30' addition on to an existing attached garage located at **205 Elm Street Ferney, SD 57439**. The legal description appears to be Lots 4,5,6, Block 9 of Blocks 9-13 and Outlots E-F of Ferney, in the SW1/4 of Section 31-T122N-R60W of the 5th P.M., Brown County, South Dakota.

Looking at our GIS map here at county offices, it appears that the existing garage and the addition will be too close to the west property line to meet our minimum setback requirements of fifteen feet (15') for "side-street setbacks" in Rural Urban District (RU) for our Brown County Zoning Ordinances. If you can find your property pins, call me to come down to Ferney and I'll do a site visit for your setbacks.

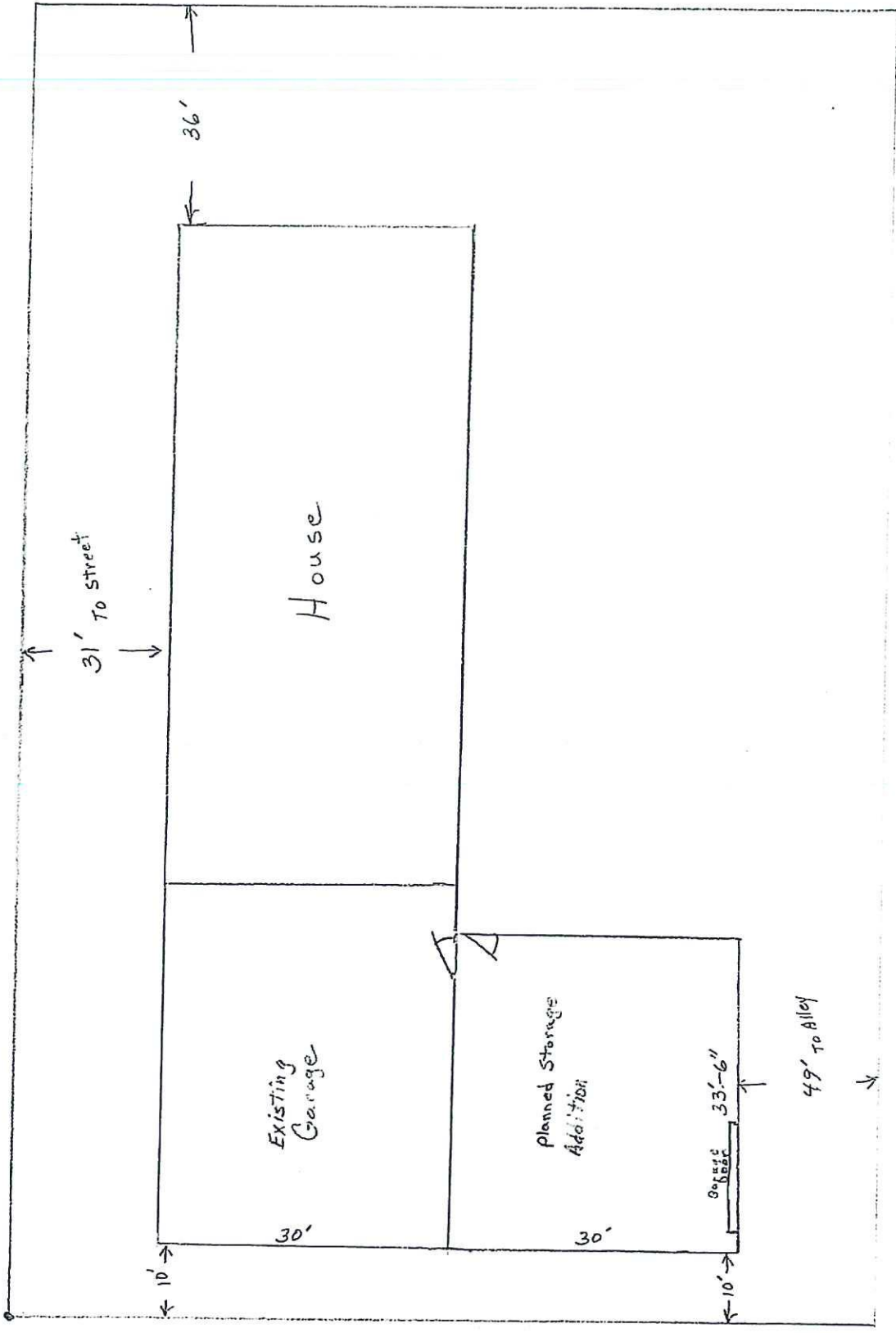
Since our GIS map is for reference purposes only, I would like to visually see and measure from your property pins or monuments to verify setbacks. The property pins on location are going to be true for your property lines to verify if you can meet minimum setback distances for our ordinances or if you would need to apply for a Variance to Building Setbacks. Please call me when you have your property pins found and exposed.

PERMITTING Chapter 4.2203: One copy of the application shall be returned to the applicant by the Zoning Administrator after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. If a building permit is refused, the Zoning Administrator shall state the reasons for such refusal in writing. The original and one copy of the application, similarly marked, shall be retained by the Zoning Administrator. The issuance of a building permit shall, in no case, be construed as waiving any provisions of this Title.

Sincerely,

Scott Bader
Brown County
Planning & Zoning

205 ELM ST



31' To Street

36'

House

Existing Garage

Planned Storage Addition

30'

30'

33'-6"

49' To Alley

Alley

East Ave S

CHAPTER 4.11 RURAL-URBAN (RU)

4.1101 Intent. The intent is to provide an environment in small communities where strict application of specified uses and activities are not practical; an intermixing of activities is allowed provided that totally incompatible uses to those already present are not undertaken or those which produce excessive odor, smoke, toxic matter or vibration.

4.1102 Permitted Principal Uses and Structures.

1. Single-family dwellings;
2. Multi-family dwellings;
3. Mobile homes; and
4. Noncommercial horticulture.

4.1103 Permitted Accessory Uses and Structures.

1. Home occupations and professional offices; and
2. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within space limits of this district.

4.1104 Special Exceptions/Conditional Uses. After the provisions of this Ordinance relating to special exceptions/conditional uses have been fulfilled, the Zoning Board of Adjustment (BOA) may permit as a special exception/conditional use for any use which is consistent with the intent of this district. The Planning Commission may as a condition to approval, require certain additional requirements to ensure compatibility.

1. Cannabis Dispensary (subject to Section 4.20).

4.1105 Minimum Lot Requirements. The minimum lot area shall be seven thousand two hundred (7,200) square feet for single/two-family dwellings. The minimum lot areas for multi-family dwellings in excess of two units shall be seven thousand two hundred (7,200) square feet and an additional one thousand eight hundred (1,800) square feet for each unit in excess of the first two. The minimum lot width shall be sixty (60) feet and the minimum lot depth shall be one hundred twenty (120) feet.

4.1106 Minimum Yard Requirements. For all principal permitted uses and structures, there shall be a front yard of not less than a depth of twenty-five (25) feet. There shall be a rear yard of not less than a depth of twenty (20) feet. There shall be a side-street setback of not less than fifteen (15) feet on corner lots. Each side yard shall not be less than seven (7) feet as measured from the outermost edge of structures. All distances are measured from the lot line. Yard requirements for special exceptions shall be determined by the Planning Commission. (Ordinance 091 amendment)

4.1107 Rezoning of Property.

BUILDING PERMIT

BROWN COUNTY, SOUTH DAKOTA

DATE ISSUED 5 / 1 / 2024 PROPERTY OWNER'S NAME Harry Implement (Steve Harry)

JOB SITE ADDRESS 205 Elm Street PHONE # 605-380-1560

TOWN / TOWNSHIP East Hanson PARCEL KEY 30230

SITE LEGAL DESCRIPTION Lots 4, 5 and 6, Block 9 "Blocks 9 to 13 inclusive and Outlots E and F to the Town of Ferney" in the SW1/4 of Section 31-T122N-R60W of the 5th P.M., Brown County, South Dakota

NEW BUILDING ADDITION ALTERATION/REPAIR MOVE DEMO OTHER

BRIEF DESCRIPTION OF ACTIVITY 30' x 30' addition onto the south side of existing garage set on cement, insulated & electricity

DWELLINGS - FOR SOLID WASTE: IS THIS NEW, REPLACEMENT, NEITHER, OTHER? _____

CONTRACTORS NAMES / COMPANY NAME Huber/Walker Construction

SETBACKS FOR: R-U DISTRICT ZONING BOARD NEEDED: Y / N APPROVED / /

FRONT YARD 25' SIDE YARD 7' (E) / 15' (W) REAR YARD 20'

FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED: Y / N ZONE: DATE: / /

ESTIMATED PROJECT COST \$ 30,000.00

PERMIT FEE \$ 90.00 cash / check PERMIT RECEIPT #
(\$25 for the first \$8,350 valuation; \$3.00 per \$1000.00 valuation after \$8,350)

ARE YOU THE OWNER OF THIS PROPERTY? Y / N PERMIT ISSUED BY: Chris Anderson

IF NO, WHO GRANTED YOU PERMISSION? _____

SIGNATURE _____ DATE / / TITLE Owner

(TITLE SAMPLES: owner, partner, president, trustee, family member, contractor, leased contract, OTHER _____)

MUST START PERMITTED PROJECT WITHIN THE 1st 180 DAYS FROM THE PERMIT ISSUE DATE.

PERMIT IS IN EFFECT FOR TWO (2) YEARS; PERMIT EXPIRES TWO (2) YEARS FROM ISSUE DATE.

IF BUILDING A NEW RESIDENCE BEING DESIGNATED AS OWNER-OCCUPIED, THIS MAY MAKE A PROPERTY ELIGIBLE FOR A REDUCED LEVY FOR SCHOOL GENERAL FUND PURPOSES. CONTACT THE BROWN COUNTY ASSESSOR'S OFFICE FOR FURTHER INFORMATION. A SITE REVIEW WILL BE DONE BY THE COUNTY ASSESSOR TO DETERMINE VALUE FOR TAXATION PURPOSES.

IF DOING ELECTRICAL WORK, CONTACT THE REGIONAL STATE ELECTRICAL INSPECTOR AT (605) 380-8981; IF DOING PLUMBING WORK, CONTACT THE REGIONAL STATE PLUMBING COMMISSION AT (605) 773-3429; FOR REQUIREMENTS AND A LIST OF LOCAL LICENSED CONTRACTORS FOR SEPTIC SYSTEM, CONTACT SD DENR (SCOTT HIPPLE) @ 605-773-3351.

AS AN OPTION, IF YOU WOULD LIKE TO HAVE YOUR HOME OR BUILDING INSPECTED, YOU CAN CONTACT ANY OF THE INSPECTORS LISTED IN THE YELLOW PAGES UNDER HOME & BUILDING INSPECTION.



23B

CENTER ST

3RD AVE N

2ND AVE N

1ST AVE N

ASH ST

23B

ELM ST

SITE

3RD AVE S

2ND AVE S

1ST AVE S

SOUTH ST

23

142ND ST

23



SITE

3RD AVE S

ELM ST

Steve Harry
Harry Implement, Inc.
PO Box 84
Ferney SD 57439

East Hanson Township
C/O Jeff Harry
13903 408th Avenue
Groton SD 57445

Damien & Amy Krueger
PO Box 803
Ferney SD 57439

Harry Family Trust 305
1st Street N Ferney SD
57439

Kevin Pray
PO Box 831
Ferney SD 57439

Joseph & Shonna Harry
14201 409th Avenue
Groton SD 57445

**AFFIDAVIT OF
PUBLICATION**

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County
Harry Implement Variance Application
Published June 5, 2024 for \$13.49
Invoice No. 23344**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682

The Groton Independent
 21 N Main, Groton 605/397-NEWS (6397)
 Paul Irvin Kosel, Publisher paperpaul@grotonsd.net
 ~ 605-397-7460

Tina Kosel, Office Manager office@grotonsd.net
 ~ 605-397-7285

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W
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AGENCY



Marty Weismantel
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FREDERICK AREA SCHOOL DISTRICT #6-2
 Joint Board of Education Meeting
 May 29, 2024

The joint athletic cooperative meeting of the Frederick Area Board of Education and Leola Board of Education was called to order on May 29, 2024 at 7:00 p.m. by President Rich Schlosser at the Frederick Area School District gymnasium. Frederick Area school board members present were Jon Ellwein, Alex Hart and Eric Sumption; absent: Rich Achen. Leola school board members present were ReEtta Siah, Kristi Spitzer, Richard Westphal, Annie Wolman and Trevor Zantow. Others present were Superintendent/Athletic Director Jeff Kosters, Leola Principal/Athletic Director Brett Flemmer, Business Managers Shauna Severson and Kayla Casey. Others in attendance were Samantha Kallas, Greta Thorpe, Trista Nickelson, Bryson Thorpe and Marty Morlock.

The meeting began with all present reciting the Pledge of Allegiance.

Motion 2024-112 Motion by Ellwein, second by Hart to approve the agenda as presented. All voted aye. Motion carried.

Greta Thorpe spoke during public comment.

Samantha Kallas was recognized as an incoming board member for the Leola School District. Coop Committee Members will be set at the July re-organizational meetings for both districts.

The 2024-25 Sports Coop activity schedules were presented to the Boards. The Fall Sports Parents' Meeting will be held in Leola on August 1, 2024.

Motion 2024-113 Motion by Sumption, second by Ellwein to reinstate the grace period that was removed last year to the eligibility policy from the 2024-25 Student Activity Handbook. All voted Aye. Motion carried.

Motion 2024-114 Motion by Hart, second by Ellwein to approve the 2024-25 Student Activity Handbook with the additional proposed changes: Increase admission charges to Adults - \$6 and Students - \$4 and approve the new concussion platform, SWAY. All voted Aye. Motion carried.

Motion 2024-115 Motion by Sumption, second by Hart to approve the 2024-25 Sports Coop Agreement with the proposed changes: Increase admission charges to Adults - \$6 and Students - \$4; change rSchool Today to Bound; increase event worker pay for the following: clock, score, book, announce, line judge, libero tracker, chain gang from \$15 to \$25 and certified junior high ref from \$35 to \$50; and Fundraising/Donations to include that coaches should have approval from admin before moving forward with any fundraiser and fundraising may not be used for payment toward a volunteer coach within the program. All voted Aye. Motion carried.

Motion 2024-116 Motion by Sumption, second by Ellwein to approve the 2023-24 reconciliation. All voted Aye. Motion carried.

Motion 2024-117 Motion by Sumption, second by Ellwein to adjourn at 7:40 p.m. All voted aye, carried.

Rich Schlosser, President
 Shauna Severson, Business Manager

Published June 5, 2024, at the total approximate cost of \$29.53 and may be viewed free of charge at www.sdpublicnotices.com. 23336



NOTICE
 Application has been made by Morgan & Jackie Beving to the Brown County Board of Commissioners for a change of zoning. Hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota on June 18, 2024 for the purpose of rezoning the following properties from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use:

Proposed Lot 1, "Beving Addition" in the W1/2 of the NE1/4 of Section 35-T123N-R65W of the 5th P.M., Brown County, South Dakota (37865 135th Street; Mercier Twp.).

The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 271.

ATTEST:
 Lynn Heupel
 Brown County Auditor
 Published June 5, 2024, at the total approximate cost of \$11.96 may be viewed free of charge at www.sdpublicnotices.com. 23341



NOTICE
 Application has been made by Julie Lillis to the Brown County Board of Commissioners for a change of zoning. Hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota on June 18, 2024 for the purpose of rezoning the following properties from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use:

Proposed Lot 2A, "Jackson and Kariens Third Subdivision" in the NW1/4 & the NE1/2 of the SW1/4 of Section 33-T125N-R62W of the 5th P.M., Brown County, South Dakota (12342 396th Avenue; Columbia Twp.).

The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 272.

ATTEST:
 Lynn Heupel
 Brown County Auditor
 Published June 5, 2024, at the total approximate cost of \$12.26 may be viewed free of charge at www.sdpublicnotices.com. 23342



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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Matthew & Nicole Jacobsen
 Description of property: Lot 2, "Schinkel Second Subdivision" in the E1/2 of the E1/2 of Section 35-T122N-R61W of the 5th P.M., Brown County, South Dakota (14187 405th Avenue, West Hanson Twp.).

Reason: A Variance for Building Setbacks in a Mini-Agriculture District (M-AG) to be 30'-0" from the East Front Yard property line rather than 100'-0" setback required by Brown County Ordinance to build a new house on an existing foundation.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 5th day of June, 2024.

Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401

Office: (605) 626-7144
 Published June 5, 2024, at the total approximate cost of \$13.18 may be viewed free of charge at www.sdpublicnotices.com. 23343



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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Harry Implement, Inc. (Steve Harry)
 Description of property: Lots 4, 5, & 6, Blocks 9 to 13 Inclusive & Outlot E & F to the Town of Ferney" in the SW1/4 of Section 31-T122N-R60W of the 5th P.M., Brown County, South Dakota (205 Elm Street, East Hanson Twp.).

Reason: A Variance for Building Setbacks in a Rural Urban District (R-U) to be 8'-0" from the West Side Street Setback rather than the 15'-0" required by Brown County Ordinance to add a 30' x 30' addition onto the south side of the existing garage.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 5th day of June, 2024.

Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401

Office: (605) 626-7144
 Published June 5, 2024, at the total approximate cost of \$13.49 may be viewed free of charge at www.sdpublicnotices.com. 23344



NOTICE OF HEARING
 Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Daniel Brenner
 Legal description of property: Lot 1, "Brenner Addition" in the W1/2 of the SW1/4 of Section 16-T124N-R64W of the 5th P.M., Brown County, South Dakota (13288 384th Avenue; Aberdeen Twp.).

Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in a Mini-Agriculture District (M-AG)

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 5th day of June 2024.

Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401

Office: (605) 626-7144
 Published June 5, 2024, at the total approximate cost of \$12.57 may be viewed free of charge at www.sdpublicnotices.com. 23345



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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: McCranie Farms, Inc. & HKMC Farms, Inc.
 Description of property: The NE1/4 of Section 31-T126N-R60W of the 5th P.M., Brown County, South Dakota (11747 407th Avenue, South Detroit Twp.).

Reason: A Variance for Building Setbacks in an Agriculture Preservation District (AG-P) to be 5'-0" from the South Side Yard property line rather than the 20'-0" Setback required by Brown County Ordinance to build a new shop with an office addition.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 5th day of June, 2024.

Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401

Office: (605) 626-7144
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STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

APPEAL TO STANDARD APPROACH WIDTH
along Brown County Highways

ITEM 03

GENERAL INFORMATION:

OWNER:	Ochsner Real Estate LP II
PETITIONER:	Jake Ochsner
REQUEST:	APPEAL TO STANDARD APPROACH WIDTH ALONG BROWN COUNTY HIGHWAYS
LEGAL DESCRIPTION:	"Mead's Outlot D" in the E1/2 of Section 20- T123N-R64W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	38390 West Highway 12
TOWNSHIP:	Aberdeen Twp
EXISTING ZONING:	Heavy Industrial District (H-I)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Highway Commercial District (HC)
West:	Heavy Industrial District (H-I) & Highway Commercial District (HC)
East:	Heavy Industrial District (H-I)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Scott Bader

GENERAL COMMENT: The petitioner is **APPEALING** zoning office and highway office about a standard approach width of 45'-0" along Brown County Highways. They want to have a 125'-0" Wide Approach rather than a 45'-0" wide standard approach to accommodate large trucks in the future. Their previous variance request, granted by the BOA 4/16/24, was for setback variances to have their buildings set at 50'-0" from the east Front Yard Setback rather than 100' required. This was approved and now causes them to **APPEAL** the standard approach width to allow a new approach to be 125'-0" wide for their trucks to have access to the building that will be closer to the right-of-way.

GENERAL REVIEW: Staff has reviewed this request. They were *previously granted a maximum of 60'-0" by the highway department*. They were told no on an approach this wide.

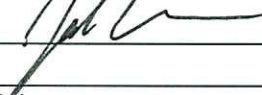
BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR APPEAL

DATE: May 30, 2024
RECEIPT # 821976
TOWNSHIP: Aberdeen Twp

FEES: \$300.00
PAID: YES/NO CHK/CASH
DATE: May 31, 2024

OWNERS SIGNATURE: Todd Ochsner
OWNERS ADDRESS: 38390 W Hwy 12
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-228-6100

AGENTS SIGNATURE: Jake Ochsner  5-31-24
AGENTS ADDRESS: 38390 W Hwy 12
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-290-1001

REQUEST: Appeal of standard approach widths along Brown County Highways.
The standard approach width is 45'-0". They were granted a maximum width of 60'-0".
They want the approach to be 125'-0" wide for their building access.

LEGAL DESCRIPTION: "Mead's Outlot D" in the E1/2 of Section 20-T123N-R64W
of the 5th P.M., Brown County, South Dakota
(38390 W Hwy 12, Aberdeen Twp.)

SIGNATURE: _____

Planning Commission Action: Approved / Denied _____

By: _____ **Date:** _____

HEARING DATE: June 18, 2024 **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

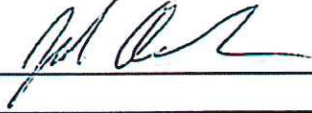
BROWN COUNTY PLANNING & ZONING COMMISSION

APPROVED
BY: LSE DATE: 4/16/24

APPLICATION FOR VARIANCE

DATE: March 22, 2024 FEES: \$125.00
RECEIPT # 821909 PAID: YES/NO CHK/CASH
TOWNSHIP: Aberdeen Twp. DATE: March 27, 2024

OWNERS SIGNATURE: Ochsner Real Estate LP II
OWNERS ADDRESS: 13350 379th Avenue
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: (605) ~~725-3676~~ (Jake Ochsner) 290-1001
Todd-605-228-6100

AGENTS SIGNATURE: Jacob Ochsner 
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: The Petitioner is requesting a Variance to Building Setbacks in a Heavy Industrial District (H-I) to have a 50'-0" Front Yard Setback rather than the 100'-0" setback required by Brown County Ordinance for new office and shop buildings.

LEGAL DESCRIPTION: "Mead's Outlot D", in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota
(38390 West Highway 12, Aberdeen Twp.)

Planning Commission Action: Approved / Denied On 4/24/2024, the Brown County Board of Adjustment approved a

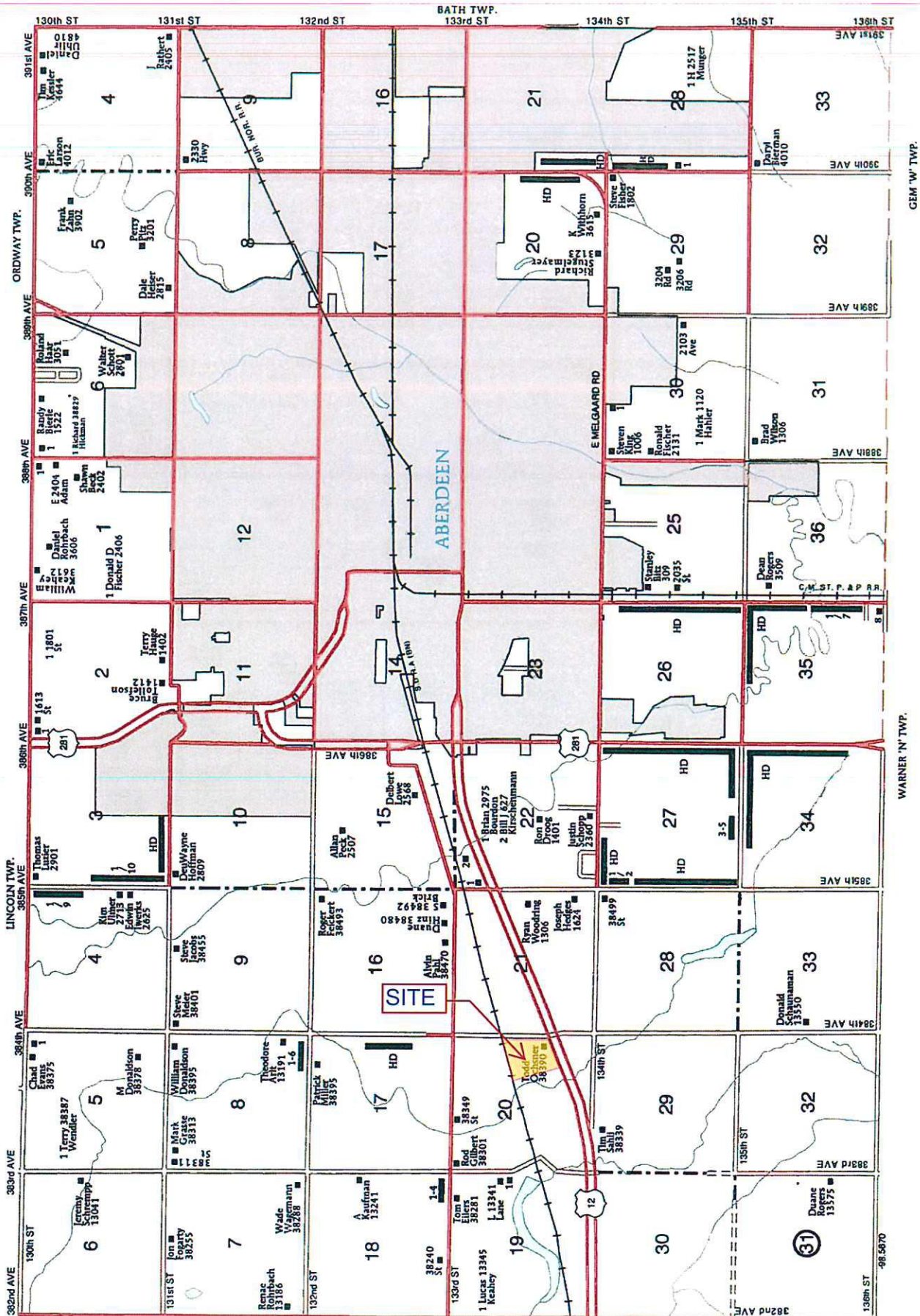
Variance to Setbacks to have a 50' Front Yard Setback measured from the property line rather than the 100' setback required by Brown County Ordinances in a Heavy Industrial District (HC).

By: Chris Anderson Date: April 18, 2024

HEARING DATE: April 16, 2024 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 Rectors)



SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

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MERCIER TWP.

45-4218

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for an APPEAL OF STANDARD APPROACH WIDTHS. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Ochsner Real Estate LP II

Description of property: "Mead's Outlot D" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38390 West Highway 12, Aberdeen Twp.).

Reason: A Variance to Approach Width in a Heavy Industrial District (H-I) to have a 125'-0" wide approach rather than the 45'-0" wide standard approach width in Brown County to facilitate large truck access to their building.

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

Dated this 5th day of June, 2024

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 _____.

(Ochsner)
VARIANCE FINDINGS WORKSHEET

Prong One

Whether granting the variance runs counter to the public interest?

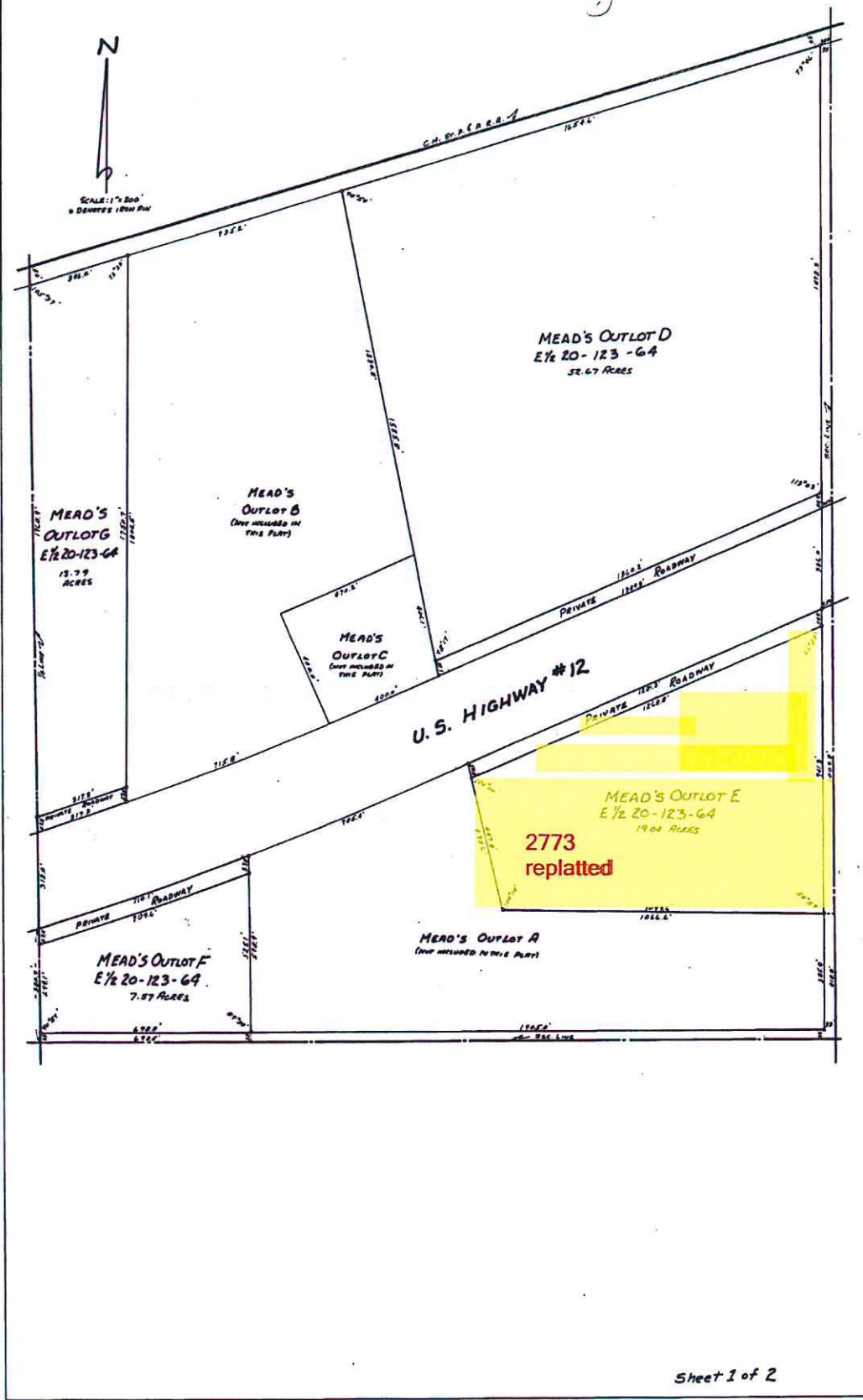
Consider the entire public— <i>not</i> just the neighbors	Findings	
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does it conform to the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
3. Does it conform to 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 checked="" type="checkbox"/>	No <input 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 must be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<p style="font-size: small;">Petitioner is asking for a 125' wide approach to facilitate large trucks. If approved, this would be the largest approach in Brown County. The standard width for an approach in Brown County is 45'. GLE Ethanol & Agtegra are "double businesses at the property lines" on BC Hwy 12W. Their approaches are 50' for each business, sitting side-by-side with a divider between.</p>		
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does not 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 Showing
MEAD'S OUTLOTS D, E, F, & G IN THE EAST 1/2 OF SEC. 20-123-64
BROWN COUNTY, SOUTH DAKOTA



2-198-E

272

SDCO PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8502

SDCO PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8502

SDCO PRODUCTS • NEW HOPE, MINN.
REORDER BY PART NUMBER 8502

**Certificates for
MEAD'S OUTLOTS D, E, F & G IN THE EAST 1/2 OF SEC. 20,
T. 123 N., R. 64 W., BROWN COUNTY, S. DAK.**

OWNER'S CERTIFICATE

We, Henry A. Mead and Alta D. Mead, do hereby certify that we are the owners of the unplatted portion of the East 1/2 of Section 20, Township 123 North, Range 64 West of the Fifth Principal Meridian, in Brown County, South Dakota lying south of the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railway, and that we have caused the same to be surveyed and platted as shown on the accompanying plat, which shall hereafter be known and described as "Mead's Outlot D in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," containing 22.07 acres, more or less, "Mead's Outlot E in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," containing 19.04 acres, more or less, "Mead's Outlot F in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," containing 7.57 acres, more or less, and "Mead's Outlot G in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," containing 13.79 acres, more or less.

Signed this 21st day of September, 1972.

Henry A. Mead
Owner
Alta D. Mead
Owner

State of South Dakota)
County of Brown) ss

On this 21st day of Sept, 1972, before me, a Notary Public, personally appeared Henry A. Mead and Alta D. Mead, known to me to be the persons described in and who executed the within instrument, and who acknowledged to me that they executed the same.

My commission expires:
Notary Public, State of South Dakota
My Commission Expires Sept. 1, 1976
Signed by Governor Tom & Governor G.

William D. Steliner
Notary Public

SURVEYOR'S CERTIFICATE

I, William D. Steliner, Registered Land Surveyor, do hereby certify that, at the request of the owners, I have surveyed and platted "Mead's Outlots D, E, F and G in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," as shown on the accompanying plat, that I have set iron pins as shown thereon, and that said survey and plat are true and correct.

Signed this 12th day of June, 1972.

William D. Steliner
Registered Land Surveyor #990

State of South Dakota)
County of Brown) ss

On this 12th day of June, 1972, before me, a Notary Public, personally appeared William D. Steliner, known to me to be the person described in and who executed the within instrument, and who acknowledged to me that he executed the same.

My commission expires:
Notary Public, State of South Dakota
My Commission Expires Oct. 12, 1975

Charles C. Dackel
Notary Public, Brown County, South Dakota

PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the City Plan Commission of Aberdeen, South Dakota at a meeting held on the 21 day of June, 1972.

William D. Steliner
City Auditor, Aberdeen, South Dakota

"Be it resolved by the City Plan Commission of Aberdeen, South Dakota, that the plat showing "Mead's Outlots D, E, F and G in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-4, and any amendments thereof."

APPROVAL BY CITY

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Aberdeen, South Dakota at a meeting held on the 27 day of June, 1972.

William D. Steliner
City Auditor, Aberdeen, South Dakota

"Be it resolved by the Board of Commissioners of Aberdeen, South Dakota, that the plat showing "Mead's Outlots D, E, F and G in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

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 27 day of July, 1972.

Richard J. Hambrick
County Auditor, Brown County, South Dakota

"Be it resolved by the Board of Commissioners of Brown County, South Dakota, that the plat showing "Mead's Outlots D, E, F and G in the East 1/2 of Sec. 20, T. 123 N., R. 64 W.," 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 accompanying plat are shown by the records of my office to be fully paid.

Signed this 27 day of July, 1972.

Richard J. Hambrick
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I hereby certify that I have received a copy of the accompanying plat this 27 day of July, 1972.

Richard J. Hambrick
Director of Equalization, Brown County, S.D.

REGISTER OF DEEDS' CERTIFICATE

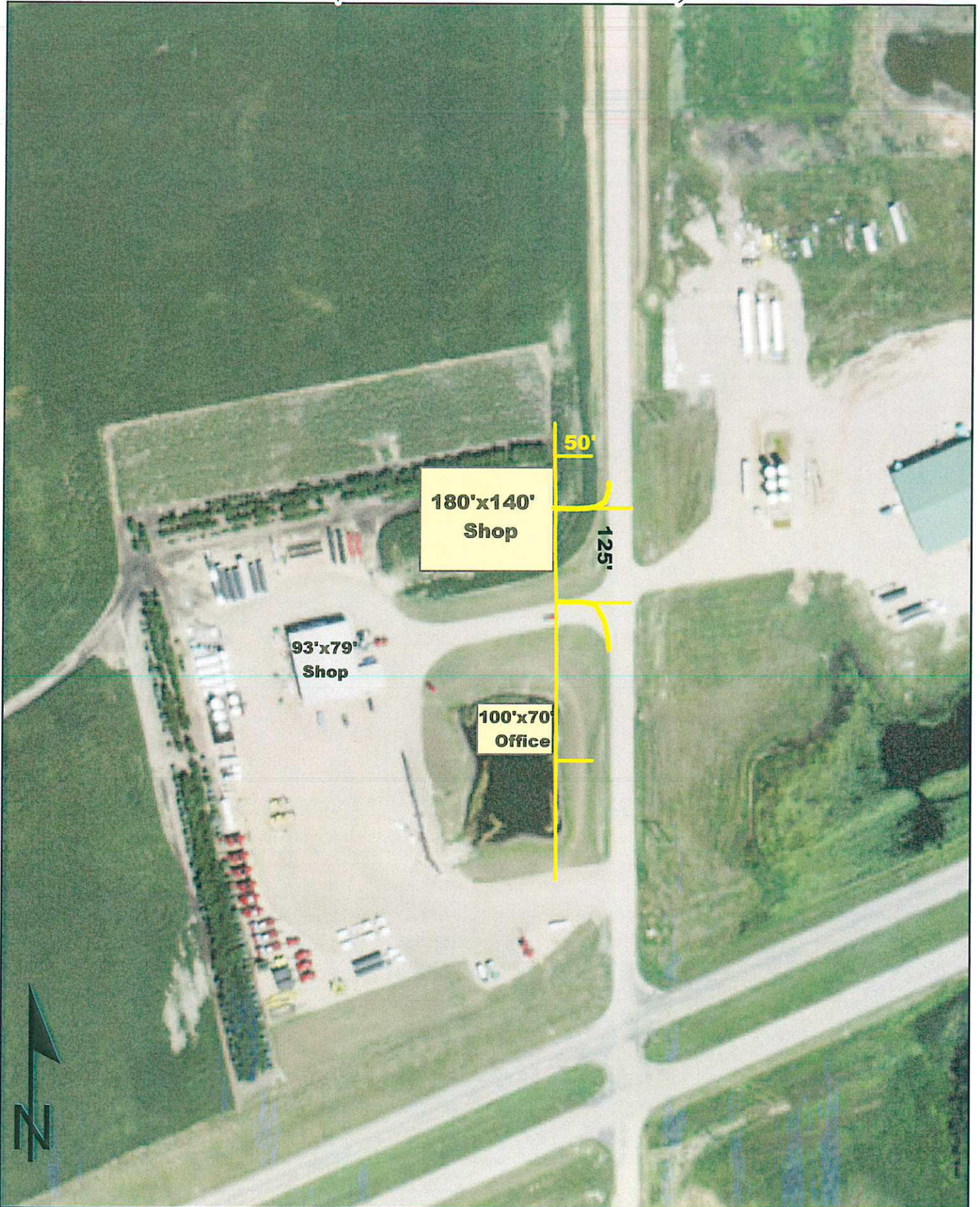
Filed for record this 25 day of July, 1972, at 10 o'clock A.M., and duly recorded in book of Plate No. 2, in envelope 198-E therein.

Richard J. Hambrick
Register of Deeds, Brown County, South Dakota



BROWN COUNTY GIS MAP

(FOR REFERENCE ONLY)





125' Approach

Remove Current Approach

OPTION #1

OPTION #2

500'

40' Wide Approach
(Field Approach-500' Separation)

125' Approach

Remove Current Approach



**Brown County Highway Department
Application for Permit to Construct Access Approach**

The undersigned hereby makes application for permission to construct an access approach described as: Meads Outlot "D" in the E1/2 of Section 20 - T123N - R64W
County Highway: #19 Approximate location: NW corner at intersection of
US Hwy 12 & 384th Avenue (38390 Hwy 12 W)

For the purpose of serving: Closing the south approach off; using the north
approach only; Widen existing north approach from 35' to 60' maximum

The approach is to be constructed to a width of not less than 24' at the top of the approach with a slope of 4:1 ratio. A 24" (inch) diameter culvert will be installed
in the 60' approach by owner per/Brown County Highway Department
Superintendent: Other requirements: Clay, gravel, top soil, culverts and labor are
provided by the landowner.

Special Note: All approach work must be completed within 1 year from date of application or a new application must be made.

If two (2) similar approaches are to be constructed, they must be a minimum of five hundred feet (500') apart and standard ditch section maintained between approaches.

I, the undersigned, request permission to construct an access approach on public right-of-way at the above location subject to the rules and regulations set forth. It is understood that the construction of the approach be in a safe manner so as not to interfere with or endanger public travel and to perform all work in a workmanlike manner using materials acceptable to the Brown County Highway Department Superintendent and that the right-of-way will be cleaned and left in a condition equal to or better than the original condition. The construction and furnishing of the culvert needed, and any other materials needed will be done by the applicant and at his own expense and also the work is to be done under the supervision and to the satisfaction of the Brown County Highway Department Superintendent. Applicant accepts all responsibility of damages, expenses, claims, and all liabilities of work or existence of said approach. Applicants must notify the Brown County Highway Department Superintendent when the approach is finished, so it can be inspected.

Todd Ochsner
Print Name
13350 379th Avenue
Address
Aberdeen, SD 57401
City/State/Zip
605-228-6100
Phone/Cell Phone

NO FEE FOR ALTERING EXISTING
~~\$50.00~~ Fee. Please attach copy of check)

Check # Date

Receipt#

Date 5-3-2024

Applicants Signature

 VOID

Culvert Required: 18" MIN. X Yes _____ No _____

PER MATT & DIRK by PHONE CONV. Date APRIL 17, '24
Brown County Highway Superintendent Signature

Remarks: Petitioner is planning on building a 180' x 140' shop and a 100' x 70' office and would like to widen the existing driveway to accommodate future traffic flow needs. HIGHWAY DEPT SAYS 60' MAXIMUM WIDTH APPROACH

[Signature] Date APRIL 17, 24
Planning & Zoning Commission Signature

The approach permit is granted with the conditions stated in herein this 17 day of APRIL, 2024.

Section 4.2208 – Approach Permit

No approach shall be constructed upon any County Road or Highway without an approach permit issued by the Zoning Administrator. No approach permit shall be issued by the Zoning Administrator except in conformity with the below criteria, unless he/she received a written order form the Board of Adjustment in the form of a variance as provided by this Ordinance.

The Criteria for Approaches Shall:

- Have no two (2) approaches closer than five hundred (500') feet apart.
- Not to be located on the crest of a hill nor other location where sight visibility will be impaired.
- Have a slope of four (4) to one (1).
- Have a minimum driving width of twenty-four (24') feet.
- Require the final approval of the Brown County Highway Department Superintendent is a culvert is to be installed.

DOUBLE-WALL (HDPE) POLY PIPE MAY BE USED AS WELL AS CORRUGATED METAL PIPE (CMP).

Culvert Required: ✓ 18" Yes _____ No _____
Date 4.22.24
Brown County Highway Superintendent Signature _____

Remarks: _____

_____ Date _____
Planning & Zoning Commission Signature

The approach permit is granted with the conditions stated in herein this _____ day
of _____, 20__.

Section 4.2208 – Approach Permit

No approach shall be constructed upon any County Road or Highway without an approach permit issued by the Zoning Administrator. No approach permit shall be issued by the Zoning Administrator except in conformity with the below criteria, unless he/she received a written order form the Board of Adjustment in the form of a variance as provided by this Ordinance.

The Criteria for Approaches Shall:

- Have no two (2) approaches closer than five hundred (500') feet apart.
- Not to be located on the crest of a hill nor other location where sight visibility will be impaired.
- Have a slope of four (4) to one (1).
- Have a minimum driving width of twenty-four (24') feet.
- Require the final approval of the Brown County Highway Department Superintendent is a culvert is to be installed.

5-3-24
Jake Ochsner rejected
and voided this
approach - he wanted
to open to a width of
100' instead of 60'
Chris
Anderson

Bader, Scott

From: Rogers, Dirk
Sent: Wednesday, May 22, 2024 11:34 AM
To: 'Jake Ochsner'
Cc: Bader, Scott; Aldentaler, Ross
Subject: RE: Approaches For TDO

The 60' foot rule is a highway policy. It is not in ordinance. The fact that you are still pushing this shows that you have no intent of following any of my recommendations. My recommendation is for a 60' wide approach and no variance.

Dirk
Brown County Highway

From: Jake Ochsner <jake@concordgrain.com>
Sent: Wednesday, May 22, 2024 9:34 AM
To: Rogers, Dirk <Dirk.Rogers@browncounty.sd.gov>
Subject: Approaches For TDO

You don't often get email from jake@concordgrain.com. [Learn why this is important](#)

Dirk,

We are going to need to file for a variance for 1-2 new approaches on 384th Ave depending on which option we go with. Looking at the Brown County ordinances, I do not see anything restricting the maximum width of an approach. However, we will need a variance as the approaches will be within 500' of each other. We would like to take the approach next to the highway out as moving the approach farther north would be safer for all. I wanted to get your input before we do anything. Do you have an option that would work better for the county? Do you have any recommendations that we could consider?

Thanks,

Jake Ochsner

Office: (605)725-3276

Cell: (605)290-1001

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Anderson, Chris

From: Bader, Scott
Sent: Wednesday, May 15, 2024 10:50 AM
To: Anderson, Chris
Subject: RE: Jake Ochsner

No, 100' is all I'm going to request because it is our largest approach for a "double business at property lines" at GLE Ethanol & Agtegra on BC Hwy 12W. This is a 50' approach for each business sitting side-by-side with a divider between them. The standard is 45' and Jake was offered 60' and then he is requesting 100' for an individual business. I'm not going larger than that. Go into the application and letters to put just 45' in there and delete the 60' (45'/60' becomes 45'). My fault. I don't like both.

Scott Bader

From: Anderson, Chris <Chris.Anderson@browncounty.sd.gov>
Sent: Wednesday, May 15, 2024 10:34 AM
To: Bader, Scott <Scott.Bader@browncounty.sd.gov>
Subject: Jake Ochsner

Scott:

Jake now wants 125' rather than 100'.

I told him I had to check with you and someone would call him back.

Chris Anderson, P & Z Specialist
Brown County Planning and Zoning
25 Market Street
Aberdeen SD 57401
(605) 626-7144

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Ochsner Real Estate LP II
13350 379th Avenue
Aberdeen, SD 57401

Artz Equipment
38399 West Highway 12
Aberdeen, SD 57401

Aberdeen Township
C/O David Feickert
38382 132nd Street
Aberdeen, SD 57401

Bonnie Clausen
38398 134th Street
Aberdeen, SD 57401

Hub City Energy LLC
301 20th Avenue SE
Watertown, SD 57201

Jeffery Walth
PO Box 2071
Aberdeen, SD 57402-2017

Soho Properties
12944 Ironwood Drive
Aberdeen, SD 57401

Aberdeen Storage LLC
10301 Wayzata Blvd; Suite 200
Hopkins, MN 55305

Performance Rentals LLC
1631 Northview Lane
Aberdeen, SD 57401

WEB Water Development
PO Box 51
Aberdeen, SD 57402-0051

Performance Oil
38420 West Highway 12
Aberdeen, SD 57401

Simplot Grower Solutions
PO Box 9168
Boise, ID 93707

Jonathan & Cindy Swenson
2522 Water View Drive
Aberdeen, SD 57401

**AFFIDAVIT OF
PUBLICATION**

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County
Oshsner Approach Appeal
Published June 5, 2024 for \$13.18
Invoice No. 23351**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Shawn Genergeke
Legal description of property: "Shawn Genergeke's Outlot 1" in the NW1/4 of Section 19-T124N-R60W of the 5th P.M., Brown County, South Dakota (40605 127th Street, Riverside Twp.).

Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 5th day of June 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.26 may be viewed free of charge at www.sdpublishnotices.com. 23347



NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: TC Wright Trust / Dennis Jones / Chad & Jean Ferguson

Description of property: Lot 1 & 2, "Wright Third Subdivision" in the NE1/4 of Section 7-T123N-R62W and Lot 1 & 2, "Jones-Wright Addition" in the E1/2 of Section-T123N-R62W, all of the 5th P.M., Brown County, South Dakota (13121, 13145, 13149, 13153 395th Avenue, Bath Twp.).

Reason: Rezone 3 parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) and 1 parcel from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) to bring these parcels into compliance for their current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 5th day of June 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at www.sdpublishnotices.com. 23353

Weekly SUDOKU

Answer

2	6	9	4	8	7	3	1	5
3	1	7	2	9	5	4	8	6
8	4	5	3	6	1	2	7	9
9	2	1	5	7	8	6	4	3
5	3	8	6	2	4	7	9	1
1	7	4	2	1	3	5	9	8



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: WEB Water Development Association, Eric Hansen
Legal description of property: Lot 2, "WEB Water Development 1st Subdivision" in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38456 Hwy 12 West, Aberdeen Twp.).

Reason: A Conditional Use Petition (CUP) to put up a 40' x 80' pole barn for cold storage in a Heavy Industrial District (H-I).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 5th day of June 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.57 may be viewed free of charge at www.sdpublishnotices.com. 23348

King Crossword

Answers

Solution time: 21 mins.

E	E	R	I	E	G	R	A	B	S		
A	N	N	U	L	S	O	O	Z	I	E	
P	R	A	N	K	S	L	O	O	K	T	
S	T	W	S	H	E	R	E	T	I	S	
E	O	N	N	O	B	E	N	U	F		
S	O	R	E	N	B	A	D	P	I	P	
R	I	B	G	I	S						
S	A	N	D	B	A	G	F	O	S	S	
F	L	O	Y	G	O	D	M	C	A	T	
A	L	L	S	N	O	W	S	H	M	O	
N	O	T	T	O	O	E	A	S	E	O	
S	T	R	O	L	L	L	A	M	A	S	
S	T	R	I	V	E	D	T	E	X	A	N



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **VARIANCE PETITION**. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday, June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Marvin and Gweneth Hansen Family Trust / Shelly Schwab, P.O.A.
Description of property: Proposed Lot 1, "Marvin and Gweneth Hansen First Addition" in the NW1/4 of the NE1/4 of Section 6-T128N-R61W of the 5th P.M., Brown County, South Dakota (40055 100th Street, Liberty Twp.).

Reason: Variance to Lot Size in an AG-P District to allow Lot 1 to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per Brown County Ordinance 4.066.

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

Dated this 5th day of June 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$13.49 may be viewed free of charge at www.sdpublishnotices.com. 23349



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **VARIANCE PETITION**. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday, June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Troy & Rebecca Woehl
Description of property: Proposed Lot 9, "Howling Woods Subdivision" in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (2435 Howling Woods Lane, Aberdeen Twp.).

Reason: Variance to Frontage Width in a M-AG District to allow proposed Lot 9 to have a frontage width of 130.71' rather than the minimum 200' required by Brown County Ordinances.

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

Dated this 5th day of June 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.88 may be viewed free of charge at www.sdpublishnotices.com. 23350



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for an **APPEAL OF STANDARD APPROACH WIDTHS**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Ochsner Real Estate LP II
Description of property: "Mead's Outlot D" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38390 West Highway 12, Aberdeen Twp.).

Reason: A Variance to Approach Width in a Heavy Industrial District (H-I) to have a 125'-0" wide approach rather than the 45'-0" wide standard approach width in Brown County to facilitate large truck access to their building.

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

Dated this 5th day of June 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$13.18 may be viewed free of charge at www.sdpublishnotices.com. 23351



NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Arlene Webb
Description of property: Proposed Lot 1, "Beving-Webb Addition" in the SE1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue, Mercur 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 rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 5th day of June 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at www.sdpublishnotices.com. 23352

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605-225-3078 ~ 1-800-658-3463

King Crossword

ACROSS

- 1 Haunting
- 6 Seizes
- 11 Cancels
- 12 More apt to seep
- 14 April 1 gags
- 15 Consult
- 16 Scrooge portrayer Alastair
- 17 Feudal workers
- 19 Oahu, for one (Abbr.)
- 20 Nobel Prize subj.
- 22 San Francisco's - Hill
- 23 Sufficient, informally
- 24 Philosopher Kierkegaard
- 26 Droning reed
- 28 Tease
- 30 USO patrons
- 31 Flood protection
- 35 "Cabaret" director Bob
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- 42 Future doc's exam
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- 23 - salts
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- 29 Novelist Enid
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- 32 Doles out
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- 34 Sticky stuff
- 36 Blueprint, e.g.
- 37 Pacific islander
- 38 Short jackets
- 41 Resided
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- 48 "Mazel -!"
- 50 Jazz band instrument

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STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

CONDITIONAL USE PETITION (CUP) IN M-AG
(Mini-Agriculture District (M-AG))

ITEM #04

GENERAL INFORMATION:

OWNER:	Daniel Brenner
PETITIONER:	Daniel Brenner
REQUEST:	CONDITIONAL USE PETITION (CUP) IN A MINI-AGRICULTURE DISTRICT (M-AG)
LEGAL DESCRIPTION:	Lot 1, "Brenner Addition" in the W1/2 of the SW1/4 of Section 16-T123N-R64W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	13288 384 th Avenue
CITY/TOWNSHIP:	Aberdeen Twp
EXISTING ZONING	Mini-Agriculture District (M-AG)
SURROUNDING ZONING:	
North:	Mini-Agriculture District (M-AG)
South:	Agriculture Preservation District (AG-P)
West:	Mini-Agriculture District (M-AG)
East:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water; Northern Electric Coop.
REPORTED BY:	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in a Mini-Agriculture District (M-AG).

GENERAL REVIEW: Staff has reviewed this request. Petitioner has already applied for his Federal Firearms License.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: May 1, 2024

FEES: \$225.00

RECEIPT # 821969

PAID: YES/NO CHK/CASH

TOWNSHIP: Aberdeen Township

DATE: May 29, 2024

OWNERS SIGNATURE: Daniel Brenner 

OWNERS ADDRESS: 13288 384th Avenue

OWNERS CITY, STATE, ZIP: Aberdeen SD 57401

OWNERS PHONE: (605) 763-2324

AGENTS SIGNATURE: _____

AGENTS ADDRESS: _____

AGENTS CITY, STATE, ZIP: _____

AGENTS PHONE: _____

REQUEST: Petitioner is requesting a Conditional Use Permit (CUP) to operate a Federal Firearms Licensed business from his home in a Mini-Agriculture District (M-AG). Petitioner has already applied for his FFL from ATF.

LEGAL DESCRIPTION: Lt 1, "Brenner Addition" in the W1/2 of the SW1/4 of
Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota
(13288 384th Avenue; Aberdeen Township)

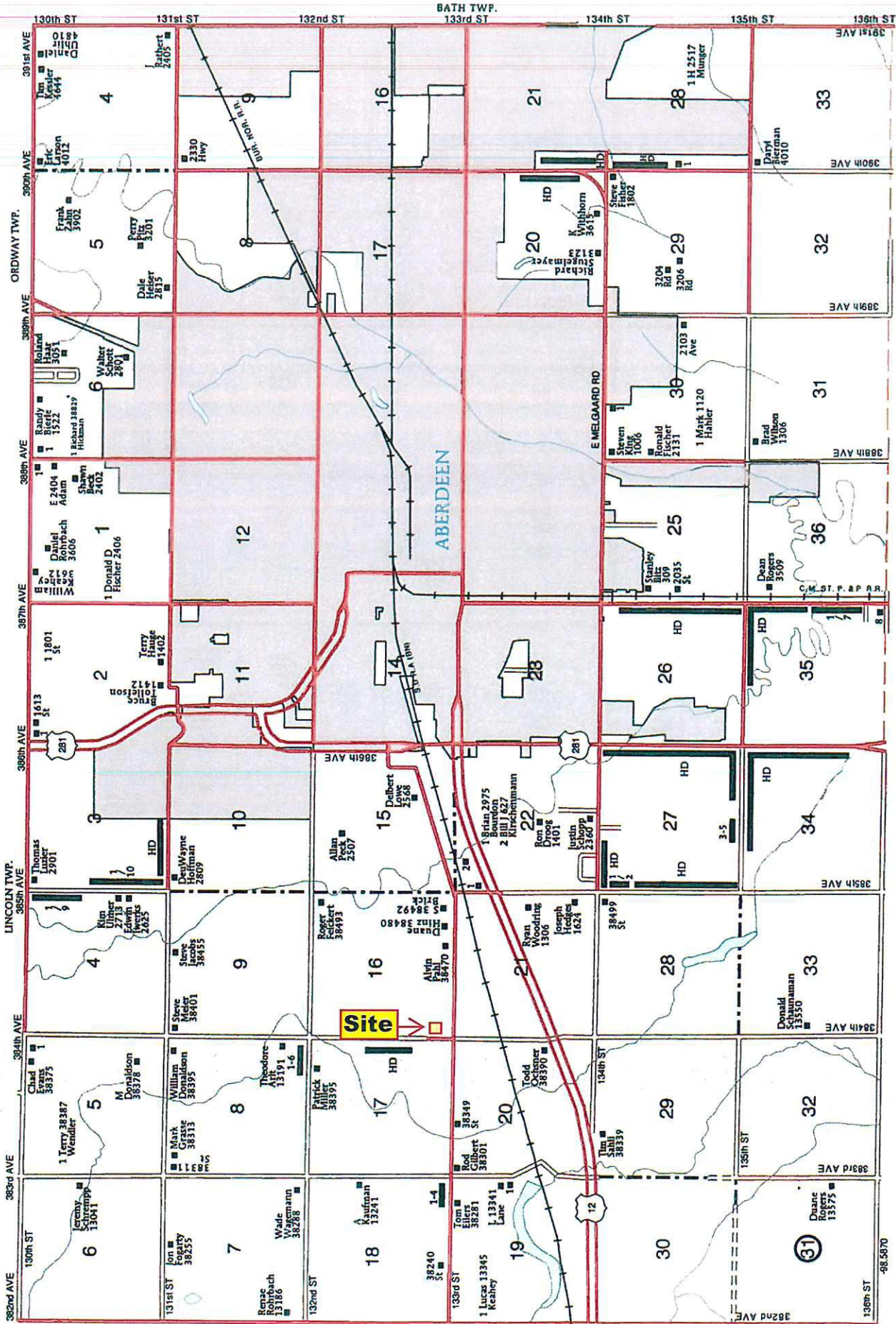
SIGNATURE: _____

Planning Commission Action: Approved / Denied _____	

By: _____	Date: _____
HEARING DATE: <u>June 18, 2024</u>	TIME: <u>7:00 PM</u>

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

(Residence - Owners or Renters)



SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

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MERCIER TWP.

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Daniel Brenner

Legal description of property: Lot 1, "Brenner Addition" in the W1/2 of the SW1/4 of Section 16-T123N-R64W of the 5th P.M., Brown County, South Dakota (13288 384th Avenue; Aberdeen Twp.).

Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in a Mini-Agriculture District (M-AG)

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 5th day of June 2024.

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 _____.

(Brenner)

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit To operate a Federal Firearms • (Short Description) Licensed home business
Applicant:	Name Daniel Brenner • Address 13288 384th Avenue, Aberdeen, SD
Landowner:	• Same
Legal Description:	Lot 1, "Brenner Addition" in the W1/2 of the SW1/4 of Section 16- T123N-R64W of the 5th P.M., Brown County, South Dakota
Location:	13288 384th Avenue
Size:	2.25 Acres
Physical Description:	N/A
Tax ID:	N/A
Current Zoning:	Mini-Agriculture District (M-AG)
Existing Land Use:	Mini-Agriculture
Surrounding Zoning:	• N - Mini-Agriculture District (M-AG) W - Mini-Agriculture District (M-AG) S - Agriculture Preservation District (AG-P) E - Agriculture Preservation District (AG-P)
Utilities:	Web water
Ordinance:	Brown County Ordinance 4.0604
Report by:	Scott Bader

FINDINGS

JURISDICTION (APPROVING AUTHORITY SDCL 11-2-17.3 AND 11-2-53 (3); BCO 4.2402)

The Board of Adjustment is empowered under chapter 4.24 of Brown County Ordinance to grant the special exception/conditional use and that the granting of the special exception will OR will not adversely affect the public interest and welfare.

CATEGORY OF CONDITIONAL USE REQUIRING APPROVAL SDCL 11-2-17.3

NOT SURE WHAT THIS MEANS? IS IT THE USE THEY ARE ASKING FOR?

ZONING DISTRICT AVAILABILITY OF SPECIAL EXCEPTION SDCL 11-2-17.3

PROPERTY IS ZONED AS:

Mini-Agriculture District (M-AG)

Special Exception/Conditional use permitted? YES No

Fit with Comprehensive Plan? YES No

Fit with Purpose of Zoning Ordinance and Relevant District? (see statement of intent in ordinance)

YES No

CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3

BCO 4.2402 (5) - SATISFACTORY PROVISIONS AND ARRANGEMENTS (write considerations in blanks)

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Ingress and egress to this property is sufficient

(b) Off-street parking and loading areas where required, with particular attention to the items in "a" above and the economic, noise, glare or other effects of the general exception on adjoining properties and properties generally in the district;

There is sufficient off-street parking for this business.

(c) Refuse and service areas, with particular reference to the items in "a" and "b" above;

Petitioner will provide its own refuse and service area.

(d) Utilities, with reference to locations, availability, and compatibility;

Petitioner has Web water, electric and sewer currently in place on the property.

(e) Screening and buffering with reference to type, dimensions, and character;

This property has no screening or buffering.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

This property will not have any signs.

(g) Required yards and other open spaces;

This property has sufficient yard and open space.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district

This business should be compatible with adjacent property.

SPECIFIC RULES GOVERNING INDIVIDUAL SPECIAL EXCEPTIONS BCO 4.2402(5) (if any)

Most don't have any. Examples that do are Mining and CAFOs

BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS

(a) Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

This business should not produce a fire hazard (no storing of ammunition, reloading supplies, or powder).

(b) Noise. The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

This business should produce minimal noise.

(c) Vibration. The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.

This business will not produce any vibration.

(d) Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.

This business will not create any air pollution

(e) Odors. The use shall not involve any malodorous gas or matter, which is discernible to any adjoining lot or property.

This business will not create any odors.

(f) Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

This business will not create any glare.

(g) Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. No single use or density of development should generate traffic volumes on any public street in excess of one hundred (100) vehicle trips per day per acre

This business will not create a traffic hazard.

(h) Sewer and Water. The use shall not involve an activity, which will substantially increase the burden on the water supply or cause sewage treatment problems unless provision is made for necessary adjustments.

There is currently water and sewer on the property.

(i) Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

This business will not change the character of the neighborhood.

(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

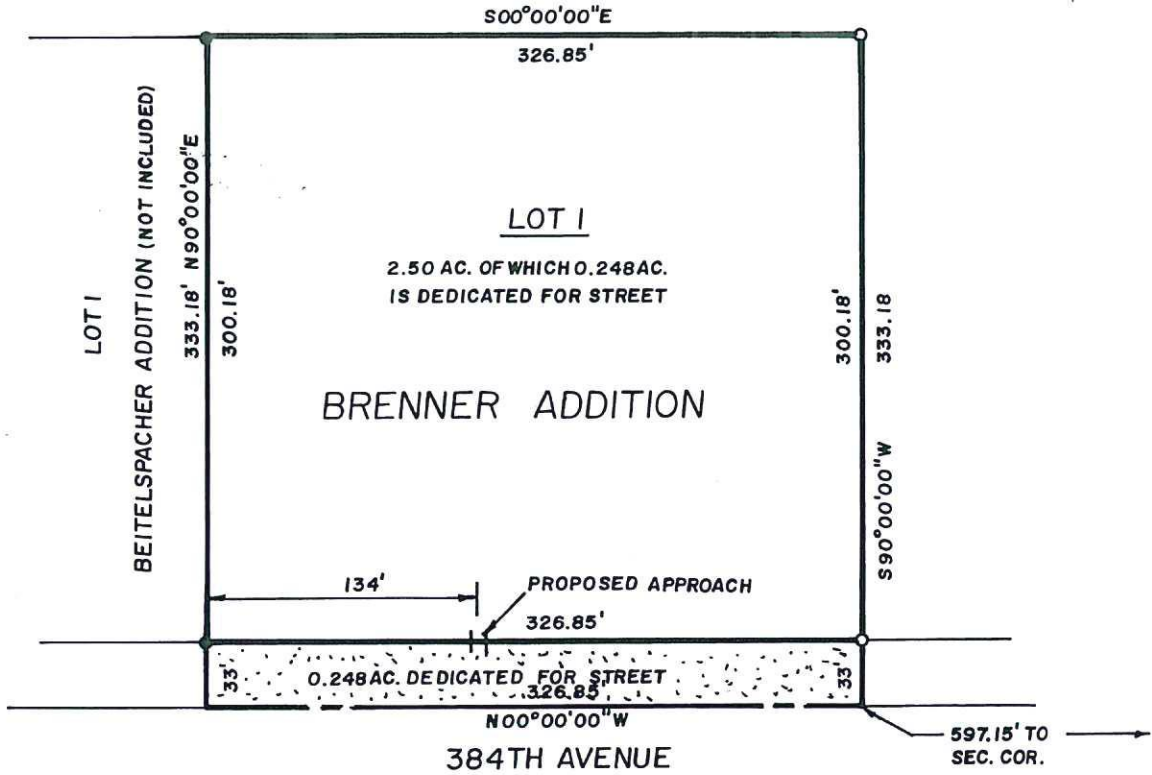
This business will not affect the general welfare of the community.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

After consideration and approval of the stated findings above, the Brown County Board of Adjustment moves to APPROVE DENY the application for Special Exception/Conditional use.

PLAT SHOWING

BRENNER ADDITION IN THE SW 1/4 OF SEC. 16, T. 123 N., R. 64 W.
OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA



SCALE : 1" = 60'

BASIS OF BEARINGS ASSUMED

● - PROPERTY PIN FOUND

○ - CAPPED REBAR OCHS
RLS 3210



8-17-09

PREPARED BY:
STELLNER ENGINEERING COMPANY
P.O. BOX 921
ABERDEEN, SD 57402-0921
605-225-0583

CERTIFICATES FOR - "BRENNER ADDITION IN THE SW $\frac{1}{4}$ OF SEC. 16, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA."

OWNER'S CERTIFICATE

WE, MICHAEL S. AND JANICE L. CRADY, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE WEST HALF OF THE SW $\frac{1}{4}$ OF SEC. 16, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, EXCEPT DEDED PORTION, AND THAT WE HAVE CAUSED A PORTION OF THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL HEREAFTER BE KNOWN AND DESCRIBED AS "BRENNER ADDITION IN THE SW $\frac{1}{4}$ OF SEC. 16, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," CONTAINING 2.50 ACRES, MORE OR LESS. WE DO HEREBY DEDICATE THE 33 FEET SHOWN TO THE PUBLIC USE FOREVER FOR STREET PURPOSES. WE DO FURTHER CERTIFY THAT THE DEVELOPMENT OF THE LAND INCLUDED IN THIS PLAT SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

SIGNED THIS 18 DAY OF AUGUST, 2009.

Michael S. Crady
OWNER - MICHAEL S. CRADY

SIGNED THIS 18 DAY OF AUGUST, 2009.

Janice L. Crady P.O.A.
OWNER - JANICE L. CRADY

STATE OF SOUTH DAKOTA) ss
COUNTY OF BROWN)

ON THIS 18th DAY OF AUGUST, 2009, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED MICHAEL S. AND JANICE L. CRADY, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREBY SET MY OFFICIAL HAND AND SEAL.

MY COMMISSION EXPIRES 08/19/2010



Paula A. Nelson
NOTARY PUBLIC, BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, DOUGLAS J. OCHS, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "BRENNER ADDITION IN THE SW $\frac{1}{4}$ OF SEC. 16, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," AND THAT I HAVE SET IRON MONUMENTS AS DENOTED HEREON AND THAT SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNED THIS 17TH DAY OF AUGUST, 2009.

Douglas J. Ochs
REGISTERED LAND SURVEYOR #3210

APPROVAL BY CITY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF ABERDEEN, SOUTH DAKOTA AT A MEETING HELD ON THE 21st DAY OF September, 2009.

Karl Ochs
FINANCE OFFICER, ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "BRENNER ADDITION IN THE SW $\frac{1}{4}$ OF SEC. 16, T. 123 N., R. 64 W. 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."

CITY PLAN COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY PLAN COMMISSION OF ABERDEEN, SOUTH DAKOTA AT A MEETING HELD ON THE 15th DAY OF September, 2009.

Karl Ochs
FINANCE OFFICER, ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE CITY PLAN COMMISSION OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "BRENNER ADDITION IN THE SW $\frac{1}{4}$ OF SEC. 16, T. 123 N., R. 64 W. 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 THEREOF."

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 22 DAY OF September, 2009.

Jim Beckler Deputy Auditor
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

"BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "BRENNER ADDITION IN THE SW $\frac{1}{4}$ OF SEC. 16, T. 123 N., R. 64 W. 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."

COUNTY PLAN COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLAN COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE 15th DAY OF September, 2009.

Jim Beckler
SECRETARY, BROWN COUNTY PLAN COMMISSION

"BE IT RESOLVED BY THE COUNTY PLAN COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "BRENNER ADDITION IN THE SW $\frac{1}{4}$ OF SEC. 16, T. 123 N., R. 64 W. 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 THEREOF."

CERTIFICATES FOR - "BRENNER ADDITION IN THE SW $\frac{1}{4}$ OF SEC. 16, T. 123 N., R. 64 W.
OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA."

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THIS PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID.

SIGNED THIS 18th DAY OF Aug, 2009.

Deils Enderson
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 16 DAY OF Sept, 2009.

Sara Bergman
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SD

REGISTER OF DEEDS' CERTIFICATE

FILED FOR RECORD THIS 23 DAY OF September, 2009, AT 9:05 O'CLOCK A.M., AND DULY RECORDED
IN HANGING PLAT FILE 2584 H.

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

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED APPROACH SHOWN ON THIS PLAT IS HEREBY APPROVED. ANY CHANGE IN LOCATION OR ANY ADDITIONAL APPROACHES MUST HAVE FURTHER CERTIFICATION AND APPROVAL.

SIGNED THIS 19 DAY OF August 2009.

David F. Eckert Chairman
TOWNSHIP AUTHORITY TITLE

11/17/09

BROWN COUNTY GIS MAP

(FOR REFERENCE ONLY)



BROWN COUNTY GIS MAP

(FOR REFERENCE ONLY)



Daniel & Penny Brenner
13288 384th Avenue
Aberdeen SD 57401

Aberdeen Township
C/O James Kunkle
13229 384th Avenue
Aberdeen SD 57401

Penelope Hart/Heather Basham
13287 384th Avenue
Aberdeen SD 57401

Joshua & Brittany Pettigrew
13280 384th Avenue
Aberdeen SD 57401

Ochsner Real Estate LP II
13350 379th Avenue
Aberdeen SD 57401

**AFFIDAVIT OF
PUBLICATION**

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County
Brenner Conditional Use Application
Published June 5, 2024 for \$12.57
Invoice No. 23345**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682

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 ~ 605-397-7460
 Tina Kosel, Office Manager office@grotonsd.net
 ~ 605-397-7285

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FREDERICK AREA SCHOOL DISTRICT #6-2
 Joint Board of Education Meeting
 May 29, 2024

The joint athletic cooperative meeting of the Frederick Area Board of Education and Leola Board of Education was called to order on May 29, 2024 at 7:00 p.m. by President Rich Schlosser at the Frederick Area School District gymnasium. Frederick Area school board members present were Jon Ellwein, Alex Hart and Eric Sumption; absent: Rich Achen. Leola school board members present were ReEtta Siah, Kristi Spitzer, Richard Westphal, Arnie Wollman and Trevor Zantow. Others present were Superintendent/Athletic Director Jeff Kosters, Leola Principal/Athletic Director Brett Flemmer, Business Managers Shauna Severson and Kayla Casey, Others in attendance were Samantha Kallas, Greta Thorpe, Trista Nickelson, Bryson Thorpe and Marty Morlock.

The meeting began with all present reciting the Pledge of Allegiance.
 Motion 2024-112 Motion by Ellwein, second by Hart to approve the agenda as presented. All voted aye. Motion carried.
 Greta Thorpe spoke during public comment.

Samantha Kallas was recognized as an incoming board member for the Leola School District. Coop Committee Members will be set at the July re-organizational meetings for both districts.

The 2024-25 Sports Coop activity schedules were presented to the Boards. The Fall Sports Parents' Meeting will be held in Leola on August 1, 2024.

Motion 2024-113 Motion by Sumption, second by Ellwein to reinstate the grace period that was removed last year to the eligibility policy within the 2024-25 Student Activity Handbook. All voted Aye. Motion carried.

Motion 2024-114 Motion by Hart, second by Ellwein to approve the 2024-25 Student Activity Handbook with the additional proposed changes: increase admission charges to Adults - \$6 and Students - \$4 and approve the new concussion platform, SWAY. All voted Aye. Motion carried.

Motion 2024-115 Motion by Sumption, second by Ellwein to approve the 2024-25 Sports Coop Agreement with the proposed changes: increase admission charges to Adults - \$6 and Students - \$4; change rSchool Today to Bound; increase event worker pay for the following: clock, score, book, announcer, line judge, libero teacher, chain gang from \$15 to \$25 and certified junior high ref from \$35 to \$50; and Fundraising/Donations to include that coaches should have approval from admin before moving forward with any fundraiser and fundraising may not be used for payment toward a volunteer coach within the program. All voted Aye. Motion carried.

Motion 2024-116 Motion by Sumption, second by Ellwein to approve the 2023-24 reconciliation. All voted Aye. Motion carried.

Motion 2024-117 Motion by Sumption, second by Ellwein to adjourn at 7:40 p.m. All voted aye, carried.

Rich Schlosser, President
 Shauna Severson, Business Manager
 Published June 5, 2024, at the total approximate cost of \$29.53 and may be viewed free of charge at www.sdpublicnotices.com. 23336



NOTICE
 Application has been made by Morgan & Jackie Beving to the Brown County Board of Commissioners for a change of zoning. Hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota on June 18, 2024 for the purpose of rezoning the following properties from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use:

Proposed Lot 1, "Beving Addition" in the W1/2 of the NE1/4 of Section 35-T123N-R65W of the 5th P.M., Brown County, South Dakota, (37865 135th Street; Mercur Twp.).
 The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 271.

ATTEST:
 Lynn Heupel
 Brown County Auditor
 Published June 5, 2024, at the total approximate cost of \$11.96 may be viewed free of charge at www.sdpublicnotices.com. 23341



NOTICE
 Application has been made by Julie Lillis to the Brown County Board of Commissioners for a change of zoning. Hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota on June 18, 2024 for the purpose of rezoning the following properties from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use:

Proposed Lot 2A, "Jackson and Karlen's Third Subdivision" in the NW1/4 & the W1/2 of the SW1/4 of Section 33-T125N-R62W of the 5th P.M., Brown County, South Dakota (12342 396th Avenue; Columbia Twp.).
 The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 272.

ATTEST:
 Lynn Heupel
 Brown County Auditor
 Published June 5, 2024, at the total approximate cost of \$12.26 may be viewed free of charge at www.sdpublicnotices.com. 23342



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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Matthew & Nicola Jacobsen
 Description of property: Lot 2, "Schinkel Second Subdivision" in the E1/2 of the E1/2 of Section 35-T122N-R61W of the 5th P.M., Brown County, South Dakota (14187 405th Avenue, West Hanson Twp.).

Reason: A Variance for Building Setbacks in a Mini-Agriculture District (M-AG) to be 30'-0" from the East Front Yard property line rather than 100'-0" setback required by Brown County Ordinance to build a new house on an existing foundation.
 The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
 Dated this 5th day of June, 2024.

Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401
 Office: (605) 626-7144
 Published June 5, 2024, at the total approximate cost of \$13.18 may be viewed free of charge at www.sdpublicnotices.com. 23343



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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Harry Implement, Inc. (Steve Harry)
 Description of property: Lots 4, 5, & 6, Blocks 9 to 13 Inclusive & Outlot E & F to the Town of Ferney in the SW1/4 of Section 31-T122N-R60W of the 5th P.M., Brown County, South Dakota (205 Elm Street, East Hanson Twp.).

Reason: A Variance for Building Setbacks in a Rural Urban District (R-U) to be 8'-0" from the West Side Street Setback rather than the 15'-0" required by Brown County Ordinance to add a 30' x 30' addition onto the south side of the existing garage.
 The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
 Dated this 5th day of June, 2024.

Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401
 Office: (605) 626-7144
 Published June 5, 2024, at the total approximate cost of \$13.49 may be viewed free of charge at www.sdpublicnotices.com. 23344



NOTICE OF HEARING
 Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Daniel Brenner
 Legal description of property: Lot 1, "Brenner Addition" in the W1/2 of the SW1/4 of Section 16-T124N-R64W of the 5th P.M., Brown County, South Dakota (13288 384th Avenue; Aberdeen Twp.).

Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in a Mini-Agriculture District (M-AG)

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
 Dated this 5th day of June 2024.
 Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401
 Office: (605) 626-7144
 Published June 5, 2024, at the total approximate cost of \$12.57 may be viewed free of charge at www.sdpublicnotices.com. 23345



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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: McCranie Farms, Inc. & MKMC Farms, Inc.
 Description of property: The NE1/4 of Section 31-T125N-R60W of the 5th P.M., Brown County, South Dakota (11747 407th Avenue, South Detroit Twp.).

Reason: A Variance for Building Setbacks in an Agriculture Preservation District (AG-P) to be 5'-0" from the South Side Yard property line rather than the 20'-0" Setback required by Brown County Ordinance to build a new shop with an office addition.
 The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
 Dated this 5th day of June, 2024.

Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401
 Office: (605) 626-7144
 Published June 5, 2024, at the total approximate cost of \$12.88 may be viewed free of charge at www.sdpublicnotices.com. 23346

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STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO BUILDING SETBACKS

ITEM #05

(Agriculture Preservation District (AG-P))

GENERAL INFORMATION:

OWNER: McCranie Farms, Inc. & MKMC Farms, Inc.
PETITIONER: Michael McCranie

REQUEST: **VARIANCE TO SETBACKS IN AN
AGRICULTURE PRESERVATION DISTRICT
(AG-P)**

LEGAL DESCRIPTION: The NE1/4 of Section 31-T126N-R60W of the
5th P.M., Brown County, South Dakota

ADDRESS: 11747 407th Avenue

CITY/TOWNSHIP: South Detroit Township

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:
North: Agriculture Preservation District (AG-P)
South: Agriculture Preservation District (AG-P)
West: Conservation District (CN)
East: Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: BDM Water

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 5'-0" South Side Yard Setback rather than the 20' setback required to build a new 150' x 110' shop with a 54' x 40' office addition in SE corner.

GENERAL REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: May 13, 2024
RECEIPT # 821959
TOWNSHIP: South Detroit Twp.

FEE: \$125.00
PAID: YES/NO CHK/CASH
DATE: May 20, 2024

OWNERS NAME (print): McCranie Farms, Inc & MKMC Farms, Inc.
OWNERS SIGNATURE: Michael McCranie 5/20/24
OWNERS ADDRESS: 11747 407th Avenue
OWNERS CITY, STATE, ZIP: Claremont, SD 57432
OWNERS PHONE: 605-377-8423
OWNERS EMAIL: _____

AGENTS NAME (print): Michael McCranie
AGENTS SIGNATURE: _____
AGENTS ADDRESS: 11747 407th Avenue
AGENTS CITY, STATE, ZIP: Claremont, SD 57432
AGENTS PHONE: 605-377-8423
AGENTS EMAIL: _____

REQUEST: Petitioner is requesting a 5'-0" South Side Yard Setback rather than the 20'-0" Setback required by Brown County Ordinance to build a 150' x 110' shop with a 54' x 40' Office Addition.

LEGAL DESCRIPTION: The NE1/4 of Section 31-T126N-R60W of the 5th P.M,
Brown County, South Dakota.

Planning Commission Action: Approved / Denied

By: _____ Date: _____

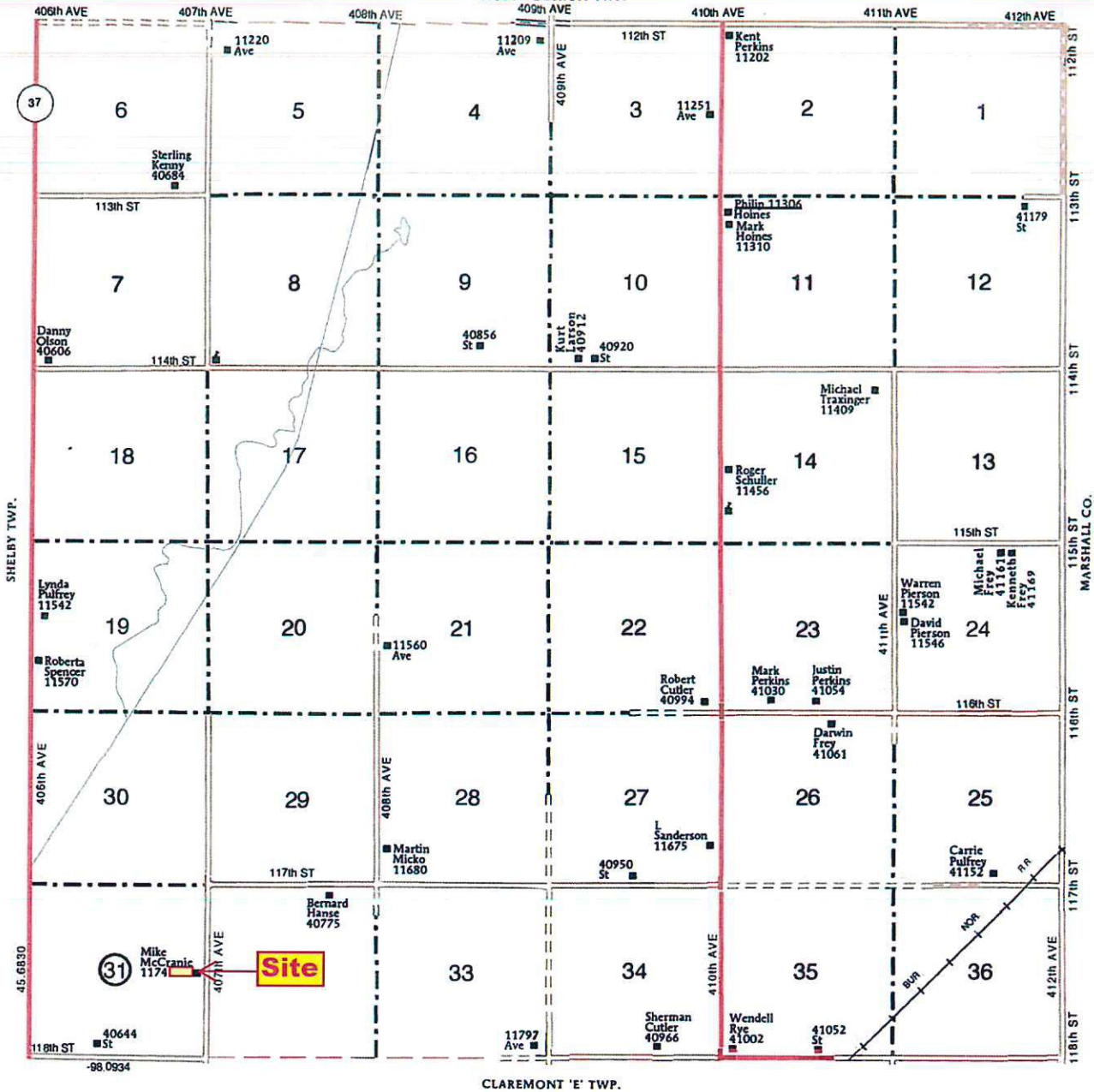
HEARING DATE: June 18, 2024 **TIME:** 7:00 P.M.

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

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • www.brown.sd.us • email: Scott.Bader@browncounty.sd.gov

(Residents - Owners or Renters)
NORTH DETROIT TWP.



CLAREMONT 'E' TWP.

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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: McCranie Farms, Inc. & MKMC Farms, Inc.

Description of property: The NE1/4 of Section 31-T126N-R60W of the 5th P.M., Brown County, South Dakota (11747 407th Avenue, South Detroit Twp.).

Reason: A Variance for Building Setbacks in an Agriculture Preservation District (AG-P) to be 5'-0" from the South Side Yard property line rather than the 20'-0" Setback required by Brown County Ordinance to build a new shop with an office addition.

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

Dated this 5th day of June, 2024

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 _____.

(McCranie)

VARIANCE FINDINGS WORKSHEET

Prong One

Whether granting the variance runs counter to the public interest?

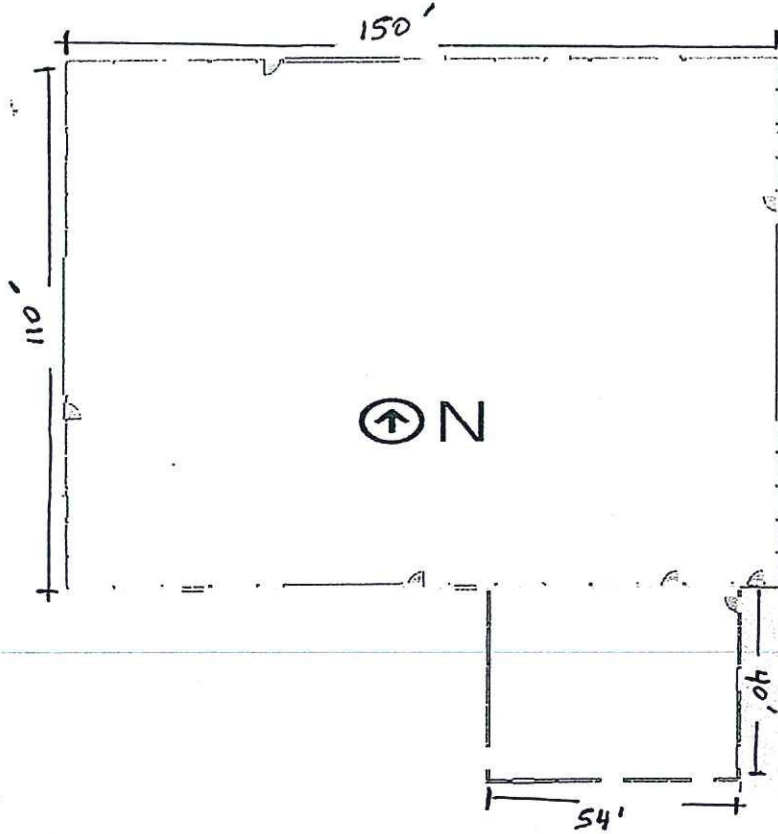
Consider the entire public— <i>not</i> just the neighbors	Findings	
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Does it conform to 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 <i>must</i> be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	The petitioner would like a Variance to Setbacks to build a new shop with an office addition.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does <i>not</i> 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"/>	

Building Connection Information



MJM
WFLW
MJM

Owner's Initials

MBNP

MORTON™ BUILDINGS, INC.

252 W. Adams, P.O. Box 399 • Morton, Illinois 61550-0399

Job:

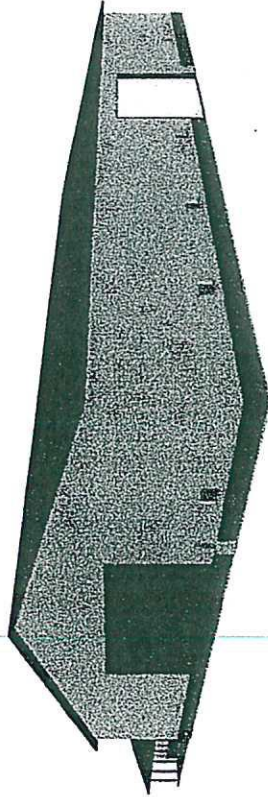
Date:

Page:

9/18/2023

15 of 29

East and North Walls



Handwritten initials

Owner's Initials

MBNP

MORTON™ BUILDINGS, INC.

252 W. Adams, P.O. Box 399 • Morton, Illinois 61550-0399

Job:

Date:

Page:

9/18/2023

14 of 29

West and South Walls



Handwritten initials

Owner's Initials

Brown County Zoning Office

(for reference use only)



150' x 110' Shop
54' x 40' Office

407TH AVE



Michael McCranie
11747 407th Avenue
Claremont SD 57432

South Detroit Township
C/O Kurtis Larson
40912 114th Street
Claremont SD 57432

SD Game, Fish & Parks
523 E Capitol Avenue
Pierre SD 57501

Ronald Wegleitner
40703 119th Street
Claremont SD 57432

John & Crystal Hinrichs
1101 E Plum Creek Rd
Sioux Falls SD 57105

**AFFIDAVIT OF
PUBLICATION**

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County
McCranie Variance Application
Published June 5, 2024 for \$12.88
Invoice No. 23346**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682

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 605-397-7460
 Tina Kosel, Office Manager office@grotonsd.net
 605-397-7285
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FREDERICK AREA SCHOOL DISTRICT #6-2
 Joint Board of Education Meeting
 May 29, 2024
 The joint athletic cooperative meeting of the Frederick Area Board of Education and Leola Board of Education was called to order on May 29, 2024 at 7:00 p.m. by President Rich Schlosser at the Frederick Area School District Boardroom. Frederick Area school board members present were Jon Ellwein, Alex Hart and Eric Sumption; absent: Rich Achen. Leola school board members present were ReEtta Sieh, Kristi Spitzer, Richard Westphal, Annie Wolman and Trevor Zantow. Others present were Superintendent/Athletic Director Jeff Kosters, Leola Principal/Athletic Director Brett Flemmer, Business Managers Shauna Severson and Kayla Casey. Others in attendance were: Samantha Kallas, Greta Thorpe, Trista Nickelson, Bryson Thorpe and Marty Morlock.
 The meeting began with all present reciting the Pledge of Allegiance.
 Motion 2024-112 Motion by Ellwein, second by Hart to approve the agenda as presented. All voted aye. Motion carried.
 Greta Thorpe spoke during public comment.
 Samantha Kallas was recognized as an incoming board member for the Leola School District. Coop Committee Members will be set at the July re-organizational meetings for both districts.
 The 2024-25 Sports Coop application schedules were presented to the Boards. The Fall Sports Parents' Meeting will be held in Leola on August 1, 2024.
 Motion 2024-113 Motion by Sumption, second by Ellwein to reinstate the grace period that was removed last year to the eligibility policies in the 2024-25 Student Activity Handbook. All voted Aye. Motion carried.
 Motion 2024-114 Motion by Hart, second by Ellwein to approve the 2024-25 Student Activity Handbook with the additional proposed changes: increase admission charges to Adults - \$6 and Students - \$4 and approve the new concussion platform, SWAY. All voted Aye. Motion carried.
 Motion 2024-115 Motion by Sumption, second by Ellwein to approve the 2024-25 Sports Coop Agreement with the proposed changes: increase admission charges to Adults - \$6 and Students - \$4; change rSchool Today to Bound; increase event worker pay for the following: clock, score, book, announce-line Judge, libero tracker, chain gang from \$15 to \$25 and certified junior high ref from \$35 to \$50; and Fundraising/Donations to include that coaches should have approval from admin before moving forward with any fundraiser and fundraising may not be used for payment toward a volunteer coach within the program. All voted Aye. Motion carried.
 Motion 2024-116 Motion by Sumption, second by Ellwein to approve the 2023-24 reconciliation. All voted Aye. Motion carried.
 Motion 2024-117 Motion by Sumption, second by Ellwein to adjourn at 7:40 p.m. All voted aye, carried.
 Rich Schlosser, President
 Shauna Severson, Business Manager
 Published June 5, 2024, at the total approximate cost of \$29.53 and may be viewed free of charge at www.sdpublicnotices.com. 23336



NOTICE
 Application has been made by Morgan & Jackie Beving to the Brown County Board of Commissioners for a change of zoning. Hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota on June 18, 2024 for the purpose of rezoning the following properties from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use:
 Proposed Lot 1, "Beving Addition" in the W1/2 of the NE1/4 of Section 35-T123N-R65W of the 5th P.M., Brown County, South Dakota (37865 135th Street; Mercier Twp.).
 The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances regarding the rezoning of the described property. At conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 271.
 ATTEST:
 Lynn Heupel
 Brown County Auditor
 Published June 5, 2024, at the total approximate cost of \$11.96 may be viewed free of charge at www.sdpublicnotices.com. 23341



NOTICE
 Application has been made by Julie Lillis to the Brown County Board of Commissioners for a VARIANCE PETITION. A hearing will be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota on June 18, 2024 for the purpose of rezoning the following properties from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use:
 Proposed Lot 2A, "Jackson and Karlens Third Subdivision" in the NW1/4 & the W1/2 of the SW1/4 of Section 33-T125N-R62W of the 5th P.M., Brown County, South Dakota (12342 396th Avenue; Columbia Twp.).
 The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 272.
 ATTEST:
 Lynn Heupel
 Brown County Auditor
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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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 PM.
 Petitioner / Owner: Matthew & Nicole Jacobsen
 Description of property: Lot 2, "Schinkel Second Subdivision" in the E1/2 of the E1/2 of Section 35-T122N-R61W of the 5th P.M., Brown County, South Dakota (14187 405th Avenue; West Hanson Twp.).
 Reason: A Variance for Building Setbacks in a Mini-Agriculture District (M-AG) to be 30'-0" from the East Front Yard property line rather than 100'-0" Setback required by Brown County Ordinance to build a new house on an existing foundation.
 The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
 Dated this 5th day of June, 2024
 Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401
 Office: (605) 626-7144
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 Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 PM.
 Petitioner / Owner: Harry Implement, Inc. (Steve Harry)
 Description of property: Lots 4, 5, & 6, Blocks 9 to 13 Inclusive & Outlot E & F to the Town of Ferney" in the SW1/4 of Section 31-T122N-R60W of the 5th P.M., Brown County, South Dakota (205 Elm Street, East Hanson Twp.).
 Reason: A Variance for Building Setbacks in a Rural Urban District (R-U) to be 8'-0" from the West Side Street Setback rather than the 15'-0" required by Brown County Ordinance to add a 30' x 30' addition to the south side of the existing garage.
 The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
 Dated this 5th day of June, 2024
 Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401
 Office: (605) 626-7144
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NOTICE OF HEARING
 Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 PM.
 Petitioner: Daniel Brenner
 Legal description of property: Lot 1, "Brenner Addition" in the W1/2 of the SW1/4 of Section 16-T124N-R64W of the 5th P.M., Brown County, South Dakota (13288 384th Avenue; Aberdeen Twp.).
 Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in a Mini-Agriculture District (M-AG)
 The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
 Dated this 5th day of June 2024.
 Planning/Zoning Commission and
 Scott Bader - P&Z Director
 25 Market Street
 Aberdeen, SD 57401
 Office: (605) 626-7144
 Published June 5, 2024, at the total approximate cost of \$12.57 may be viewed free of charge at www.sdpublicnotices.com. 23345



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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 PM.
 Petitioner / Owner: McCranie Farms, Inc. & MMK Farms, Inc.
 Description of property: The NE1/4 of Section 31-T126N-R60W of the 5th P.M., Brown County, South Dakota (11747 407th Avenue, South Detroit Twp.).
 Reason: A Variance for Building Setbacks in an Agriculture Preservation District (AG-P) to be 5'-0" from the South Side Yard property line rather than the 20'-0" Setback required by Brown County Ordinance to build a new shop with an office addition.
 The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
 Dated this 5th day of June, 2024
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STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE FOR LOT SIZE IN AG-P

ITEM #06

(Agriculture Preservation District (AG-P))

GENERAL INFORMATION:

OWNER:	Marvin and Gweneth Hansen Family Trust
PETITIONER:	Shelly Schwab - P.O.A.
REQUEST:	VARIANCE FOR LOT SIZE IN AN AGRICULTURE PRESERVATION DISTRICT (AG-P)
LEGAL DESCRIPTION:	Proposed Lot 1, "Marvin and Gweneth Hansen First Addition" in the NW1/4 of the NE1/4 of Section 6-T128N-R61W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	40055 100 th Street
CITY/TOWNSHIP:	Liberty Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Non-County (NC)
South:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	Unknown
REPORTED BY:	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Lot Size to allow Lot 1 (5.50 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.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: May 24, 2024 FEE: \$125.00
RECEIPT # 821965 PAID: YES/NO CHR/CASH
TOWNSHIP: Liberty Twp DATE: 5/23/2024

OWNERS NAME (print): Marvin and Gweneth Hansen Family Trust / Shelly Schwab, P.O.A.
OWNERS SIGNATURE: _____
OWNERS ADDRESS: 7305 124th Avenue SE
OWNERS CITY, STATE, ZIP: Englevale, ND 58033
OWNERS PHONE: 701-680-1347 (Shelly)
OWNERS EMAIL: _____

AGENTS NAME (print): Shelly Schwab
AGENTS SIGNATURE: Shelly Schwab
AGENTS ADDRESS: 7305 124th Ave SE
AGENTS CITY, STATE, ZIP: Englevale, ND 58033
AGENTS PHONE: 701-680-1347
AGENTS EMAIL: sgsavon@drtel.net

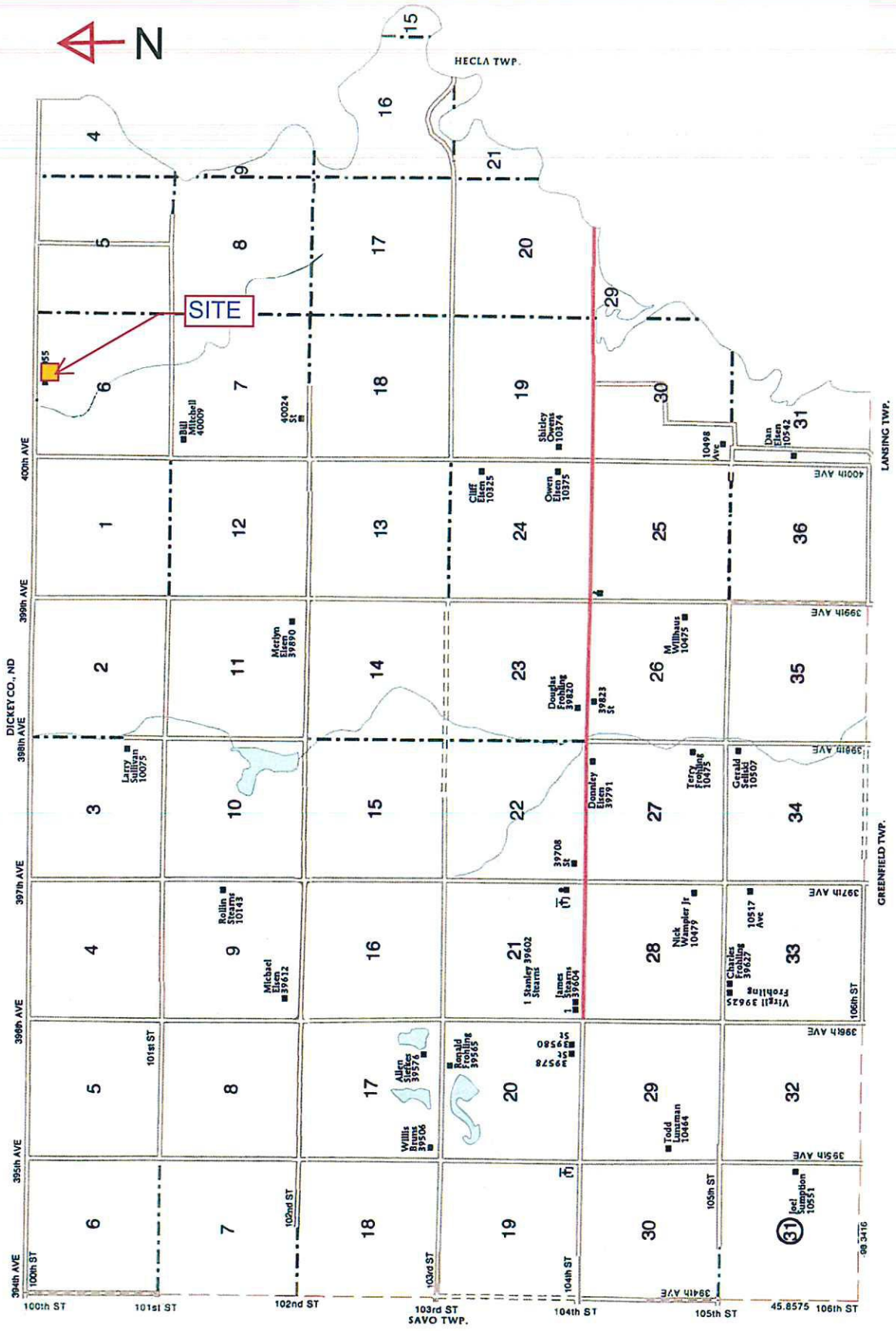
REQUEST: A Variance to Lot Size to allow Lot 1 (5.50 acres) to be smaller than 40 acres and stay zoned Agriculture Preservation District (AG-P) per Chapter 4.0605 of Zoning Ordinances

LEGAL DESCRIPTION: Proposed Lot 1, "Marvin and Gweneth Hansen First Addition" in the NW1/4 of the NE1/4 of Section 6-T128N-R61W, of the 5th P.M., Brown County, South Dakota (40055 100th Street; Liberty Twp.)

Planning Commission Action: Approved / Denied

By: _____ **Date:** _____

HEARING DATE: June 18, 2024 **TIME:** 7:00 pm



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex on Tuesday, June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Marvin and Gweneth Hansen Family Trust / Shelly Schwab, P.O.A.

Description of property: Proposed Lot 1, "Marvin and Gweneth Hansen First Addition" in the NW1/4 of the NE1/4 of Section 6-T128N-R61W of the 5th P.M., Brown County, South Dakota (40055 100th Street; Liberty Twp.).

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

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

Dated this 5th day of June 2024.

Planning/Zoning Commission &
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

(Hansen)

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

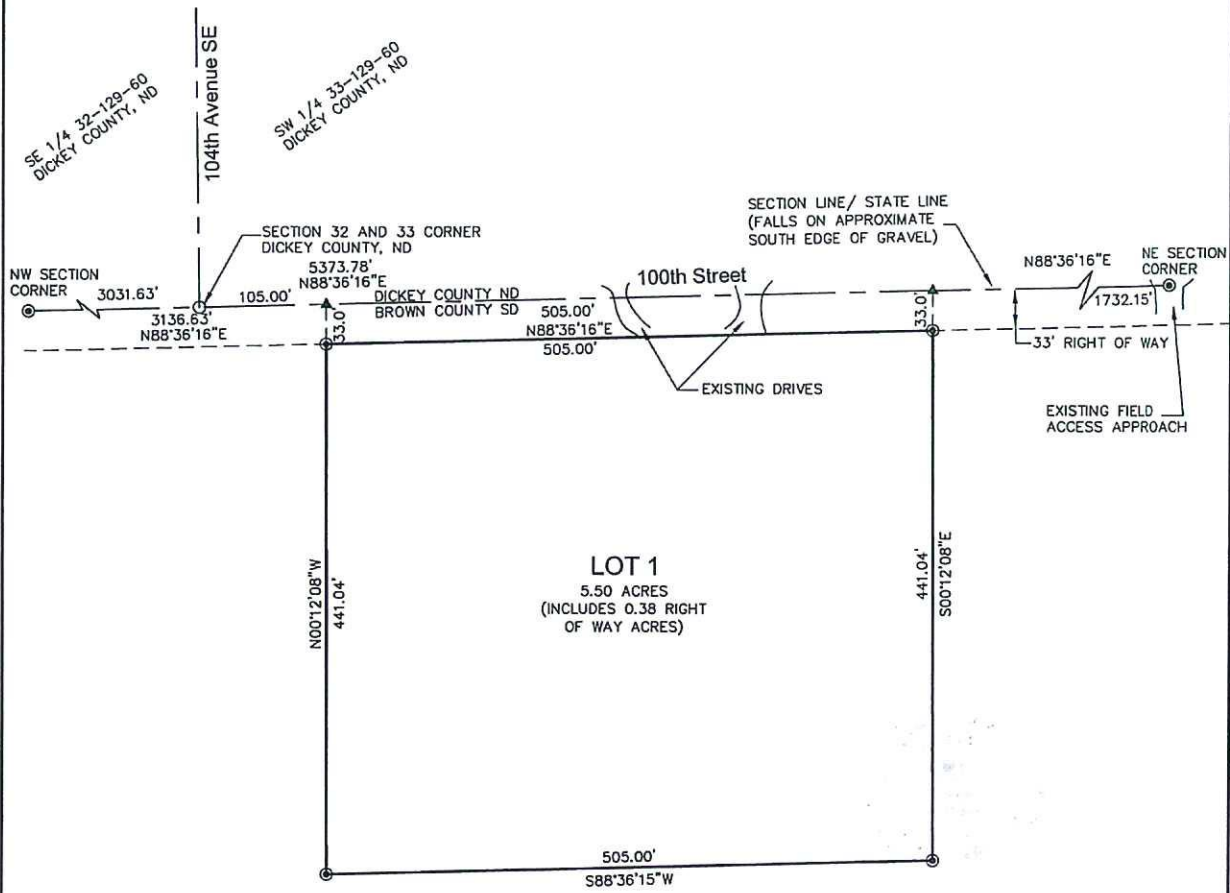
Whether special conditions exist to grant a variance?

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 must 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 not 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

A-9632-1

MARVIN AND GWENETH HANSEN FIRST ADDITION
IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

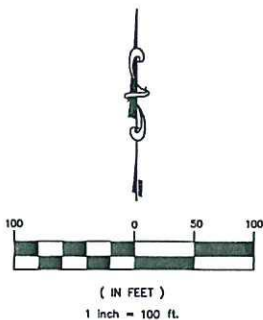


LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- SET 3" SPIKE W/ WASHER STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION

BASIS OF BEARINGS

SD STATE PLANE NORTH ZONE
NAD 83 (2011) US SURVEY FEET
DISTANCES ARE GROUND



Helms ASSOCIATES 416 PRODUCTION STREET N.
P.O. Box 1111
Aberdeen, S.D. 57401
CIVIL ENGINEERS & LAND SURVEYORS Phone: 605.225.1212
Fax: 605.225.3189

DWG. 9632-1 BY: BKK SHEET 1 OF 3

PLAT OF

A-9632-1

MARVIN AND GWENETH HANSEN FIRST ADDITION
IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, MARVIN AND GWENETH HANSEN FAMILY TRUST, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF NE 1/4 OF SECTION 6 T128N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS: MARVIN AND GWENETH HANSEN FIRST ADDITION IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

MARVIN AND GWENETH HANSEN FAMILY TRUST


SHELLY SCHWAB P.O.A.

Signed this 23 day of May, 2024

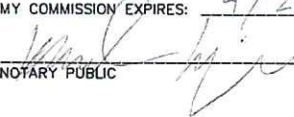
ACKNOWLEDGMENT

STATE OF North Dakota
COUNTY OF Dickey JSS

ON THIS THE 23 DAY OF May, 2024 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED SHELLY SCHWAB KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

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

MY COMMISSION EXPIRES: 4/27/27


NOTARY PUBLIC



SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "MARVIN AND GWENETH HANSEN FIRST ADDITION IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W 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 15th DAY OF May, 2024.


ROBERT K. KIESO RLS #9214

PLAT OF

A-9632-1

MARVIN AND GWENETH HANSEN FIRST ADDITION
IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

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 MARVIN AND GWENETH HANSEN FIRST ADDITION IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W 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 MARVIN AND GWENETH HANSEN FIRST ADDITION IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W 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

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY/TOWNSHIP 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: _____

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

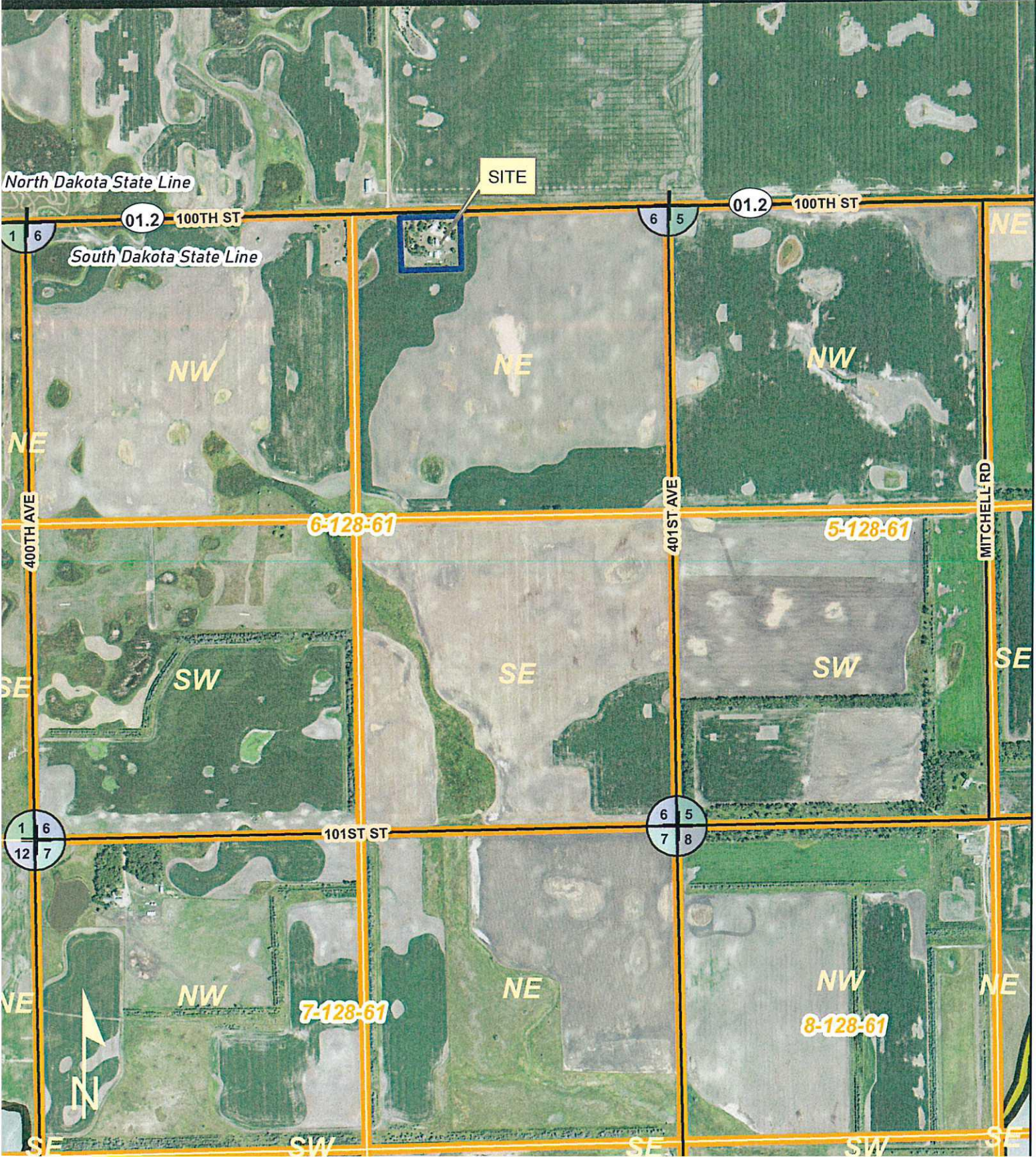
REGISTER OF DEED'S CERTIFICATE

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

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

Brown County Zoning Office

(for reference use only)



Brown County Zoning Office

(for reference use only)

North Dakota State Line

01.2 100TH ST

South Dakota State Line

6 5



SITE

401ST AVE



Marvin and Gweneth Hansen

Family Trust

7305 124th Avenue SE
Englevale, ND 58033

Liberty Township

Attn: Daniel Elsen
10542 400th Avenue
Hecla, SD 57446

Dickey County

Attn: Wanda Sheppard
PO Box 215
Ellendale, ND 58436

Mitchell-Broadview LLP

6060 Zumirez Drive
Malibu, CA 90265

Marvin & Barb Cowley

PO Box 244
Hecla, SD 57446

Judith Ross

1254 Iowa Avenue SE
Huron, SD 57350

**AFFIDAVIT OF
PUBLICATION**

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County
Hansen Variance Application
Published June 5, 2024 for \$13.49
Invoice No. 23349**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Shawn Gengerke
Legal description of property: "Shawn Gengerke's Outlot 1" in the NW1/4 of Section 19-T124N-R60W of the 5th P.M., Brown County, South Dakota (40605 127th Street; Riverside Twp.).
Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.26 may be viewed free of charge at www.sdpublicnotices.com. 23347



NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: TC Wright Trust / Dennis Jones / Chad & Jean Ferguson
Description of property: Lot 1 & 2, "Wright Third Subdivision" in the NE1/4 of Section 7-T123N-R62W and Lot 1 & 2, "Jones-Wright Addition" in the E1/2 of Section-T123N-R62W, all of the 5th P.M., Brown County, South Dakota (13121, 13145, 13149, 13153 395th Avenue, Bath Twp.).

Reason: Rezone 3 parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) and 1 parcel from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) to bring these parcels into compliance for their 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 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at www.sdpublicnotices.com. 23353

— Weekly SUDDOKU —
Answer

2	6	9	4	8	7	3	1	5
3	1	7	2	9	5	4	8	6
8	4	5	3	6	1	2	7	9
9	2	1	5	7	8	6	4	3
5	3	8	6	2	4	7	9	1
6	7	4	9	1	3	8	5	2



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: WEB Water Development Association, Eric Hansen
Legal description of property: Lot 2, "WEB Water Development 1st Subdivision" in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38455 Hwy 12 West; Aberdeen Twp.).
Reason: A Conditional Use Petition (CUP) to put up a 40' x 80' pole barn for cold storage in a Heavy Industrial District (H-I).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.26 may be viewed free of charge at www.sdpublicnotices.com. 23348

— King Crossword —
Answers

Solution time: 21 mins.

E	E	R	I	E	G	R	A	B	S		
A	N	N	O	L	S	O	Z	I	E		
F	R	A	N	K	S	L	O	K	I	O	
S	I	M	S	E	R	F	S	T	S	L	
E	C	O	N	N	O	B	E	N	U	F	
S	O	R	E	N	B	A	G	P	I	P	E
			R	I	B	G	I	S			
S	A	N	D	B	A	G	F	O	S	S	E
P	L	O	Y	G	O	D	M	C	A	T	
A	L	S	S	N	O	W	S	H	M	O	
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S	T	R	I	O	L	L	A	M	A	S	
S	A	V	E	D	T	E	X	A	N		

ACROSS

- 1 Haunting
- 6 Seizes
- 11 Cancels
- 12 More apt to seep
- 14 April 1 gags
- 15 Consult
- 16 Scrooge portrayer Alastair
- 17 Feudal workers
- 19 Oahu, for one (Abbr.)
- 20 Nobel Prize subj.
- 22 San Francisco's - Hill
- 23 Sufficient, informally
- 24 Philosopher Kierkegaard
- 26 Droning reed
- 28 Tease
- 30 USO patrons
- 31 Flood protection
- 35 "Cabaret" director Bob
- 39 Tactic
- 40 Pantheon member
- 42 Future doc's exam
- 43 Gore and Green
- 44 Bamboozles
- 46 Med. plan option

1	2	3	4	5	6	7	8	9	10
11						12			13
14						15			
16			17	18			19		
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24			25	26	27				
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39				40	41	42			
43			44			45	46		
47			48			49	50		
51						52			
		53				54			

- 47 " - shabby!"
- 49 Take it slow
- 51 Saunter
- 52 Andean pack animals
- 53 Rescued
- 54 Austin native

DOWN

- 1 Physicist
- 2 Captivate
- 3 Skedaddle
- 4 Sorts
- 5 Ruhr Valley city
- 6 Course load?
- 7 Aussie hoppers
- 8 Dye type
- 9 Two-piece suit
- 10 Establishes
- 11 Basilica areas
- 13 Husband of Pocahontas
- 18 Filch
- 21 Hardly hip
- 23 - salts
- 25 Pen tip
- 27 Computer image, briefly
- 29 Novelist Enid
- 31 Bridges
- 32 Doles out
- 33 Cosa -
- 34 Sticky stuff
- 36 Blueprint, e.g.
- 37 Pacific islander
- 38 Short jackets
- 41 Resided
- 44 Only
- 45 Auction
- 48 "Mazel -!"
- 50 Jazz band instrument



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **VARIANCE PETITION**. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex on Tuesday, June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Marvin Trust / Shelly Schwab, P.O.A.
Description of property: Proposed Lot 1, "Marvin and Gweneth Hansen First Addition" in the NW1/4 of the NE1/4 of Section 6-T128N-R61W of the 5th P.M., Brown County, South Dakota (40055 100th Street; Liberty Twp.).
Reason: Variance to Lot Size in an AG-P District to allow Lot 1 to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per Brown County Ordinances 4.0605.

The public is invited to attend the hearing to present comments and testimony regarding the proposed Variance to Lot Size request.
Dated this 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$13.49 may be viewed free of charge at www.sdpublicnotices.com. 23349



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **VARIANCE PETITION**. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex on Tuesday, June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Troy & Rebecca Woehl
Description of property: Proposed Lot 9, "Howling Woods Subdivision" in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (2435 Howling Woods Lane; Aberdeen Twp.).
Reason: Variance to Frontage Width in a M-AG District to allow proposed Lot 9 to have a frontage width of 130.71' rather than the minimum 200' required by Brown County Ordinances.

The public is invited to attend the hearing to present comments and testimony regarding the proposed Variance to Lot Size request.
Dated this 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$13.88 may be viewed free of charge at www.sdpublicnotices.com. 23350



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for an **APPEAL OF STANDARD APPROACH WIDTHS**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Ochsner Real Estate LP II
Description of property: "Mead's Outlot D" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38390 West Highway 12, Aberdeen Twp.).
Reason: A Variance to Approach Width in a Heavy Industrial District (H-I) to have a 125'-0" wide approach rather than the 45'-0" wide standard approach width in Brown County to facilitate large truck access to their building.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
Dated this 5th day of June, 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$13.18 may be viewed free of charge at www.sdpublicnotices.com. 23351



NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex on June 18, 2024, at 7:00 P.M.

Petitioner: Arlene Webb
Description of property: Proposed Lot 1, "Beving-Webb Addition" in the SE1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue; Merder 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 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at www.sdpublicnotices.com. 23352

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STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

CONDITIONAL USE PETITION (CUP) IN AG-P
(Agriculture Preservation District (AG-P))

ITEM #07

GENERAL INFORMATION:

OWNER:	Shawn Gengerke
PETITIONER:	Shawn Gengerke
REQUEST:	CONDITIONAL USE PETITION (CUP) IN AN AGRICULTURE PRESERVATION DISTRICT (AG-P)
LEGAL DESCRIPTION:	"Shawn Gengerke's Outlot 1" in the NW1/4 of Section 19-T124N-R60W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	40605 127 th Street
CITY/TOWNSHIP:	Riverside 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:	BDM Water; Northern Electric Coop.
REPORTED BY:	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P)

GENERAL REVIEW: Staff has reviewed this request. Shawn Gengerke has had an FFL for quite some time. The zoning issue just came up during an ATF review of Shawn's FFL.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: May 1, 2024
RECEIPT # 82/978
TOWNSHIP: Riverside Township

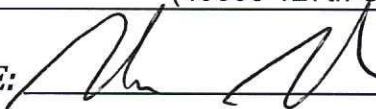
FEES: \$225.00
PAID: YES/NO CHK/CASH
DATE: May 31, 2024

OWNERS SIGNATURE: Shawn Gengerke
OWNERS ADDRESS: 12702 406th Avenue
OWNERS CITY, STATE, ZIP: Groton SD 57445
OWNERS PHONE: (605) 380-7585

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: Petitioner is requesting a Conditional Use Permit (CUP) to operate a Federal Firearms Licensed business from his shop in an Agriculture Preservation District (AG-P). Petitioner has had an FFL for some time. The zoning issue came up during a recent review of Shawn's FFL for renewal.

LEGAL DESCRIPTION: "Shawn Gengerke's Outlot 1" in the NW1/4 of Section 19-T124N-R60W of the 5th P.M., Brown County, South Dakota
(40605 127th Street, Riverside Twp.)

SIGNATURE: 

Planning Commission Action: Approved / Denied _____

By: _____ Date: _____

HEARING DATE: June 18, 2024 **TIME:** 7:00 PM

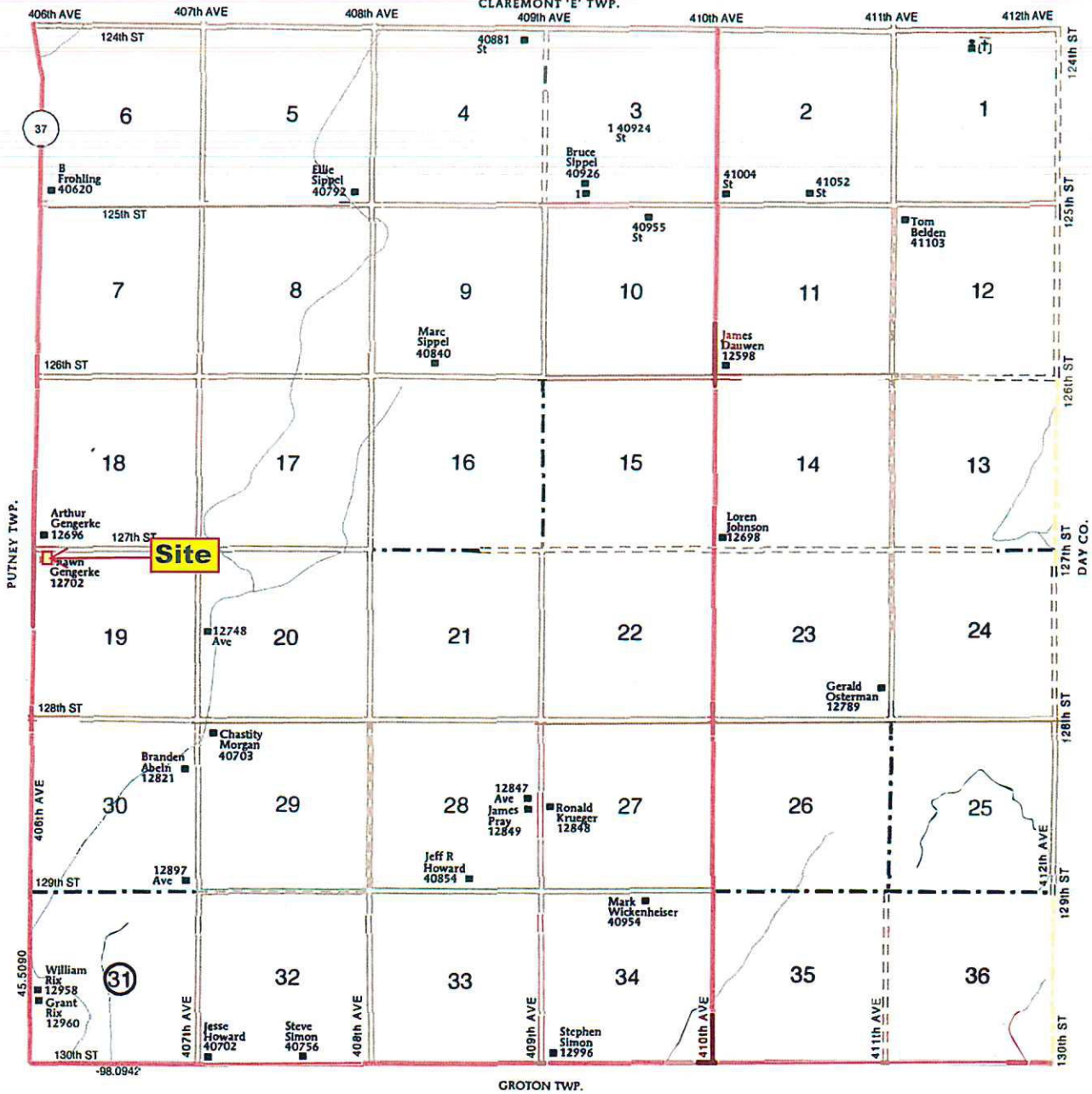
MEETING: located in the Basement Community Room of the Court House Annex

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)

CLAREMONT 'E' TWP.



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Shawn Gengerke

Legal description of property: "Shawn Gengerke's Outlot 1" in the NW1/4 of Section 19-T124N-R60W of the 5th P.M., Brown County, South Dakota (40605 127th Street; Riverside Twp.).

Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P)

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 5th day of June 2024.

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 _____.

(Gengerke)

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit To operate a Federal Firearms <ul style="list-style-type: none"> (Short Description) Licensed home business
Applicant:	Name Shawn Gengerke <ul style="list-style-type: none"> Address 12702 406th Avenue, Groton, SD
Landowner:	<ul style="list-style-type: none"> Same
Legal Description:	"Shawn Gengerke's Outlot 1" in the NW1/4 of Section 19-T124N-R60W of the 5th P.M., Brown County, South Dakota
Location:	40605 127th Street
Size:	3.21 Acres
Physical Description:	N/A
Tax ID:	N/A
Current Zoning:	Agriculture Preservation District (AG-P)
Existing Land Use:	Agriculture
Surrounding Zoning:	<ul style="list-style-type: none"> N - Agriculture Preservation District (AG-P) W - Agriculture Preservation District (AG-P) S - Agriculture Preservation District (AG-P) E - Agriculture Preservation District (AG-P)
Utilities:	BDM water
Ordinance:	Brown County Ordinance 4.0604
Report by:	Scott Bader

FINDINGS

JURISDICTION (APPROVING AUTHORITY SDCL 11-2-17.3 AND 11-2-53 (3); BCO 4.2402)

The Board of Adjustment is empowered under chapter 4.24 of Brown County Ordinance to grant the special exception/conditional use and that the granting of the special exception will OR will not adversely affect the public interest and welfare.

CATEGORY OF CONDITIONAL USE REQUIRING APPROVAL SDCL 11-2-17.3

NOT SURE WHAT THIS MEANS? IS IT THE USE THEY ARE ASKING FOR?

ZONING DISTRICT AVAILABILITY OF SPECIAL EXCEPTION SDCL 11-2-17.3

PROPERTY IS ZONED AS:

Agriculture Preservation District (AG-P)

Special Exception/Conditional use permitted? YES No

Fit with Comprehensive Plan? YES No

Fit with Purpose of Zoning Ordinance and Relevant District? (see statement of intent in ordinance)

YES No

CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3

BCO 4.2402 (5) - SATISFACTORY PROVISIONS AND ARRANGEMENTS (write considerations in blanks)

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Ingress and egress to this property is sufficient

(b) Off-street parking and loading areas where required, with particular attention to the items in "a" above and the economic, noise, glare or other effects of the general exception on adjoining properties and properties generally in the district;

There is sufficient off-street parking for this business.

(c) Refuse and service areas, with particular reference to the items in "a" and "b" above;

Petitioner will provide its own refuse and service area.

(d) Utilities, with reference to locations, availability, and compatibility;

Petitioner has BDM water, electric and sewer currently in place on the property.

(e) Screening and buffering with reference to type, dimensions, and character;

This property has screening (trees) on the South & West sides of the property

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

This property will not have any signs.

(g) Required yards and other open spaces;

This property has sufficient yard and open space.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district

This business should be compatible with adjacent property.

SPECIFIC RULES GOVERNING INDIVIDUAL SPECIAL EXCEPTIONS BCO 4.2402(5) (if any)

Most don't have any. Examples that do are Mining and CAFOs

BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS

(a) Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

This business should not produce a fire hazard (no storing of ammunition, reloading supplies, or powder).

(b) Noise. The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

This business should produce minimal noise.

(c) Vibration. The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.

This business will not produce any vibration.

(d) Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.

This business will not create any air pollution

(e) Odors. The use shall not involve any malodorous gas or matter, which is discernible to any adjoining lot or property.

This business will not create any odors.

(f) Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

This business will not create any glare.

(g) Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. No single use or density of development should generate traffic volumes on any public street in excess of one hundred (100) vehicle trips per day per acre

This business will not create a traffic hazard.

(h) Sewer and Water. The use shall not involve an activity, which will substantially increase the burden on the water supply or cause sewage treatment problems unless provision is made for necessary adjustments.

There is currently water and sewer on the property.

(i) Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

This business will not change the character of the neighborhood.

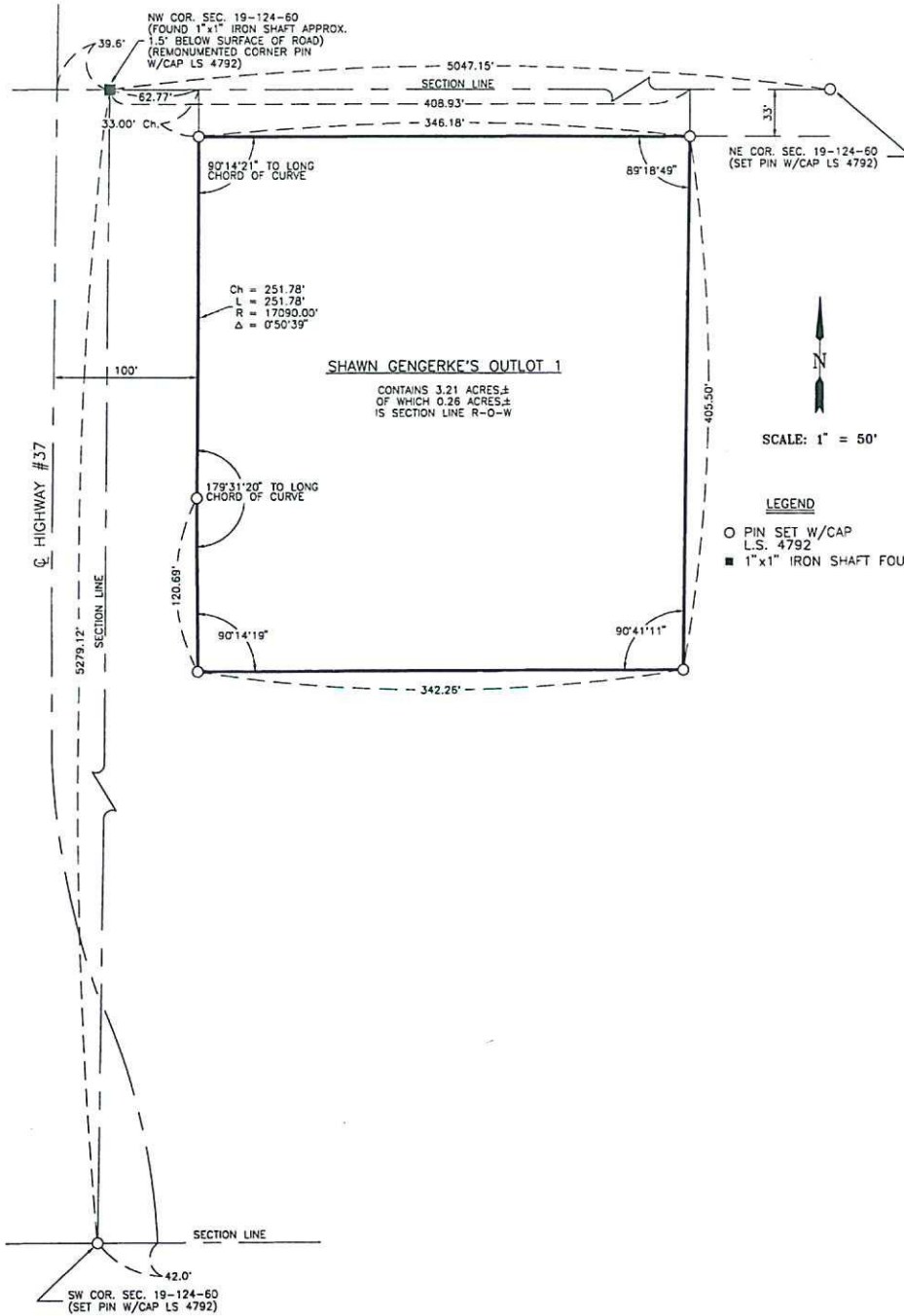
(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

This business will not adversely affect the welfare of the Community.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

After consideration and approval of the stated findings above, the Brown County Board of Adjustment moves to APPROVE DENY the application for Special Exception/Conditional use.

PLAT SHOWING
SHAWN GENGERKE'S OUTLOT 1
 IN THE NW 1/4 OF SEC. 19-T124N-R60W
 OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA



**PLAT SHOWING
SHAWN GENGERKE'S OUTLOT 1
IN THE NW 1/4 OF SEC. 19-T124N-R60W
OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA**

OWNER'S CERTIFICATE

I, Howard M. Gengerke, do hereby certify that I am the Owner of the Northwest Quarter (NW1/4) of Section Nineteen (Sec. 19), Township One Hundred Twenty-four North (T124N), Range Sixty West (R60W) of the 5th P.M., Brown County, South Dakota and that I have caused a portion of the same to be surveyed and plotted as shown on the attached plat, which shall hereinafter be known and described as "Shawn Gengerke's Outlot 1 in the NW 1/4 of Sec. 19, T124N, R60W 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.

Signed this 21 day of November, 1994.

OWNER
Howard M. Gengerke
Howard M. Gengerke

STATE OF Colorado
COUNTY OF Arapahoe

On this 21st day of November, 1994, before me, a Notary Public, personally appeared Howard M. Gengerke, known to me to be the person in and who executed the within instrument, and who acknowledged to me that he executed the same.

My commission expires: 4-29-95

Howard M. Gengerke
Notary Public, Arapahoe County, Colorado (State)

SURVEYOR'S CERTIFICATE

I, Louis P. O'Donnell, Registered Land Surveyor, do hereby certify that, at the request of the Owner, I have surveyed and plotted "Shawn Gengerke's Outlot 1 in the NW 1/4 of Sec. 19, T124N, R60W of the 5th P.M., Brown County, South Dakota", as shown on the attached plat. I have found no other set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 15th day of November, 1994

Louis P. O'Donnell
Louis P. O'Donnell
Registered Land Surveyor



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 27 day of December, 1994.

Deanna B. Austin
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 "Shawn Gengerke's Outlot 1 in the NW 1/4 of Sec. 19, T124N, R60W 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 thereof."

APPROVAL BY THE COUNTY

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commissioners of Brown County, South Dakota, at a meeting held on the 22nd day of November, 1994.

Shirley Taylor
County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "Shawn Gengerke's Outlot 1 in the NW 1/4 of Sec. 19, T124N, R60W 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 APPROVAL

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 12th day of December, 1994.

Dorene Bernhard Co. As Treas
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S APPROVAL

I hereby certify that I have received a copy of this plat this 14th day of December, 1994.

J.P. Ke
Director of Equalization, Brown Co., South Dakota

REGISTER OF DEEDS' APPROVAL

Filed for record this 22th day of December, 1994, at 3:52 o'clock P.M., and duly recorded in Book of Plats No. 11, on page 940E therein.

Carol Johnson, Chief Deputy
Register of Deeds, Brown County, South Dakota

Brown County Zoning Office

(for reference use only)



406TH AVE

13.6

13 18
24 19

127TH ST

SITE

406TH AVE

37

128TH ST

24 19
25 30



Brown County Zoning Office

(for reference use only)

406TH AVE

13.6

13 18

24 19

127TH ST

37

406TH AVE


SITE



Untitled Map *2024*

Write a description for your map.

Legend

 12702 406th Ave

37

127th St

 12702 406th Ave

406th Ave



300 ft

Shawn & Lara Gengerke
12702 406th Avenue
Groton SD 57445

Riverside Township
C/O Grant Rix
12960 406th Avenue
Groton SD 57445

Gengerke Farms, Inc.
PO Box 721
Groton SD 57445

Norman Gengerke
12951 405th Avenue
Groton SD 57445

Rix Enterprises Inc.
12755 406th Avenue
Groton SD 57445

**AFFIDAVIT OF
PUBLICATION**

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County
Gengerke Conditional Use Application
Published June 5, 2024 for \$12.26
Invoice No. 23347**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682

STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

CONDITIONAL USE PETITION (CUP) IN H-I

ITEM #08

(Heavy Industrial District (H-I))

GENERAL INFORMATION:

OWNER:	WEB Water Development Association.
PETITIONER:	Eric Hansen
REQUEST:	CONDITIONAL USE PETITION (CUP) IN A HEAVY INDUSTRIAL DISTRICT (H-I)
LEGAL DESCRIPTION:	Lot 2, "WEB Water Development 1 st Subdivision" in the N1/2 of Section 21-T123N-R64W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	38456 West Hwy 12
CITY/TOWNSHIP:	Aberdeen Twp
EXISTING ZONING	Heavy Industrial District (H-I)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P) / Heavy Industrial District (H-I)
South:	Agriculture Preservation District (AG-P)
West:	Heavy Industrial District (H-I)
East:	Highway Commercial District (H-C)
PUBLIC UTILITIES:	WEB Water; Northern Electric Coop
REPORTED BY:	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Conditional Use Petition (CUP) to put up a 40' x 80' pole barn for cold storage in a Heavy Industrial District (H-I).

GENERAL REVIEW: Staff has reviewed this request. All H-I District parcels are required to go before the Planning/Zoning Commission for any work.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: May 28, 2024

FEES: \$225.00

RECEIPT # 821975

PAID: YES/NO CHK/CASH

TOWNSHIP: Aberdeen Township

DATE: May 31, 2024

OWNERS SIGNATURE: WEB Water

OWNERS ADDRESS: 38456 Hwy 12 West, PO Box 51

OWNERS CITY, STATE, ZIP: Aberdeen SD 57401

OWNERS PHONE: (605)

AGENTS SIGNATURE: Eric Hansen

AGENTS ADDRESS: 38456 Hwy 12 West, PO Box 51

AGENTS CITY, STATE, ZIP: Aberdeen SD 57401

AGENTS PHONE: (605) 380-5399

REQUEST: Petitioner is requesting a Conditional Use Permit (CUP) to put up a 40' x 80' pole barn for cold storage in a Heavy Industrial District (H-I).

LEGAL DESCRIPTION: Lt 2, "WEB Water Development 1st Subdivision" in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38456 Hwy 12 West; Aberdeen Township)

SIGNATURE: 

Planning Commission Action: Approved / Denied _____

By: _____ Date: _____

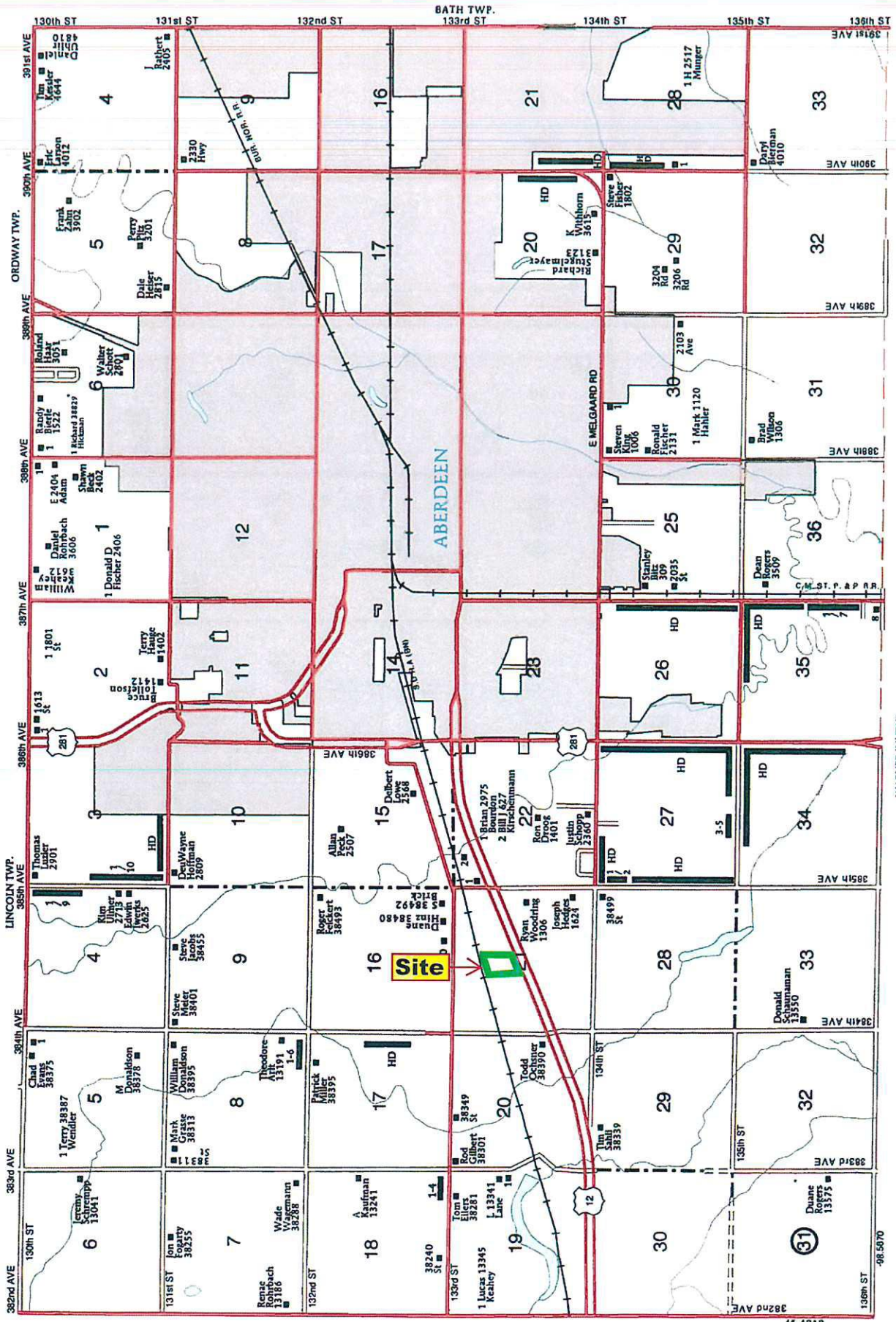
HEARING DATE: June 18, 2024 **TIME:** 7:00 PM

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)



SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

© Farm & Home Publishers, Ltd.

MERCIER TWP.

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: WEB Water Development Association, Eric Hansen

Legal description of property: Lot 2, "WEB Water Development 1st Subdivision" in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38456 Hwy 12 West; Aberdeen Twp.).

Reason: A Conditional Use Petition (CUP) to put up a 40' x 80' pole barn for cold storage in a Heavy Industrial District (H-I)

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 5th day of June 2024.

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 _____.

(WEB Water)

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit • (Short Description) 40' x 80' pole barn for cold storage
Applicant:	Name WEB Water, Eric Hansen • Address 38456 Hwy 12 West, Aberdeen, SD
Landowner:	• Same
Legal Description:	Lot 2, "WEB Water Development 1st Subdivision" in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota
Location:	38456 Hwy 12 West, Aberdeen, SD
Size:	N/A
Physical Description:	N/A
Tax ID:	N/A
Current Zoning:	Heavy Industrial District (H-I)
Existing Land Use:	Heavy Industrial
Surrounding Zoning:	• N - Heavy Industrial District (H-I) S - Agriculture Preservation District (AG-P) E - Highway Commercial District (H-C) W - Heavy Industrial District (H-C)
Utilities:	WEB water
Ordinance:	N/A
Report by:	Scott Bader

FINDINGS

JURISDICTION (APPROVING AUTHORITY SDCL 11-2-17.3 AND 11-2-53 (3); BCO 4.2402)

The Board of Adjustment is empowered under chapter 4.24 of Brown County Ordinance to grant the special exception/conditional use and that the granting of the special exception will OR will not adversely affect the public interest and welfare.

CATEGORY OF CONDITIONAL USE REQUIRING APPROVAL SDCL 11-2-17.3

NOT SURE WHAT THIS MEANS? IS IT THE USE THEY ARE ASKING FOR?

ZONING DISTRICT AVAILABILITY OF SPECIAL EXCEPTION SDCL 11-2-17.3

PROPERTY IS ZONED AS:

Heavy Industrial District (H-I)

Special Exception/Conditional use permitted? YES No

Fit with Comprehensive Plan? YES No

Fit with Purpose of Zoning Ordinance and Relevant District? (see statement of intent in ordinance)

YES No

CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3

BCO 4.2402 (5) - SATISFACTORY PROVISIONS AND ARRANGEMENTS (write considerations in blanks)

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Ingress and egress to this property is sufficient

(b) Off-street parking and loading areas where required, with particular attention to the items in "a" above and the economic, noise, glare or other effects of the general exception on adjoining properties and properties generally in the district;

There is sufficient off-street parking for this proposed business.

(c) Refuse and service areas, with particular reference to the items in "a" and "b" above;

Petitioner provides its own refuse and service area.

(d) Utilities, with reference to locations, availability, and compatibility;

Petitioner has WEB water, electric and sewer currently in place on the property.

(e) Screening and buffering with reference to type, dimensions, and character;

This property has no screening or buffering.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

This property will not have any new signs.

(g) Required yards and other open spaces;

This property has sufficient yard and open space.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district
This business should be compatible with adjacent property.
SPECIFIC RULES GOVERNING INDIVIDUAL SPECIAL EXCEPTIONS BCO 4.2402(5) (if any)
Most don't have any. Examples that do are Mining and CAFOs
BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS
(a) Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.
This business should not produce a fire hazard
(b) Noise. The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
This business should produce minimal noise.
(c) Vibration. The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.
This business will not produce any vibration.
(d) Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.
This business will not create any air pollution
(e) Odors. The use shall not involve any malodorous gas or matter, which is discernible to any adjoining lot or property.
This business will not create any odors.

(f) Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

This business will not create any glare.

(g) Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. No single use or density of development should generate traffic volumes on any public street in excess of one hundred (100) vehicle trips per day per acre

This business will not create a traffic hazard.

(h) Sewer and Water. The use shall not involve an activity, which will substantially increase the burden on the water supply or cause sewage treatment problems unless provision is made for necessary adjustments.

CUP will not increase the burden on existing sewer or water.

(i) Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

This business will not change the character of the neighborhood.

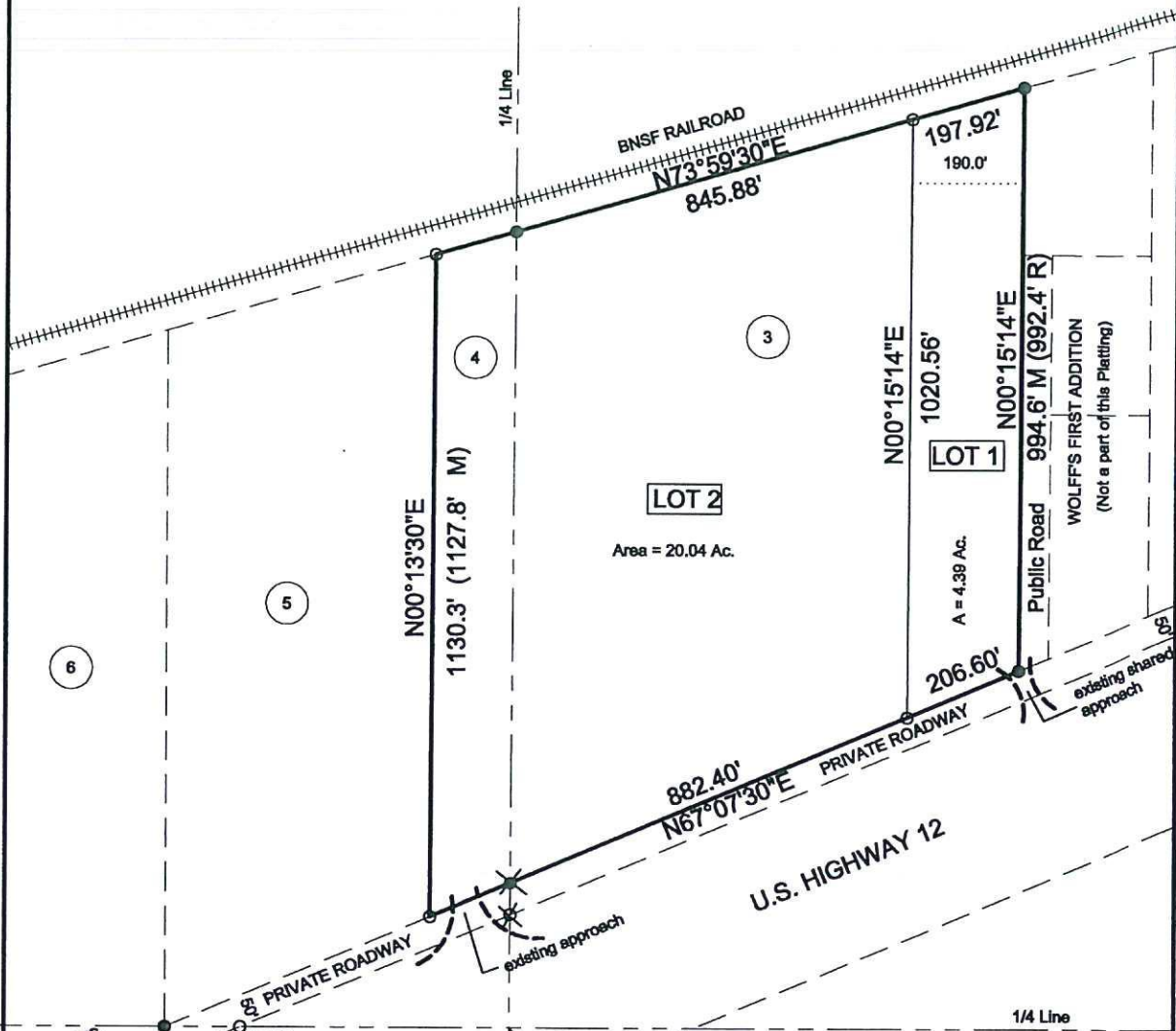
(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

This business will not harm the general welfare of the community.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

After consideration and approval of the stated findings above, the Brown County Board of Adjustment moves to APPROVE DENY the application for Special Exception/Conditional use.

WEB WATER DEVELOPMENT 1st SUBDIVISION IN
 N1/2 SEC. 21-T123N-R64W of 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA



SWENSON'S OUTLOT 1
 L.S. 3492



LEGEND

- Monuments Found:
 - Rebar w/cap (Stellner)
 - ⊗ Rebar w/cap (damaged-Stellner)
 - ⊗ Concrete Prism w/DOT monument(damaged)
- Monuments Set:
 - 5/8" rebar w/cap SD1641

994.6' M (992.4R) Distances as Measured and as Recorded

- 3 Hedges' Outlots in N1/2 Sec. 21-123-84
- 4



Francis E. Brink
 5-24-2010



Scale: 1"=200'



HIGHWAY AUTHORITY CERTIFICATE
 The existing approaches for Lots 1 and 2 are approved.
 By: *Mark Peterson* 7/28/2010
 For the SD Department of Transportation Date
 Title: *Engineering Supervisor*

Prepared By:
 Francis E. Brink, P.E., L.S. SD1641
 616-4th Street North, Aberdeen, SD
 Tel. (805) 225-9181

WEB WATER DEVELOPMENT 1st SUBDIVISION IN N1/2 SEC. 21-T123N-R64W of 5th P.M.

BROWN COUNTY, SOUTH DAKOTA

Sheet 2 of 3

OWNER'S CERTIFICATE

WEB WATER DEVELOPMENT ASSOCIATION, INC., a South Dakota Corporation, acting through it's General Manager, does hereby certify that it is the owner of Outlots 3 and 4 of Hedges' Outlots 1-6 in the N1/2 of Section 21-T123N-R64W of 5th P.M., Brown County, South Dakota, and are vacating the plat of said Outlots 3 and 4, and did authorize a survey and replat of said land, which shall hereafter be known as "WEB WATER DEVELOPMENT 1st SUBDIVISION IN N1/2 SEC. 21-T123N-R64W of 5th 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.

For WEB Water Development Association:

Signed this the 26 day of May, 2010

Curt Hohn
Curt Hohn, its General Manager

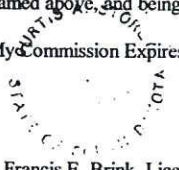
ACKNOWLEDGEMENT OF OWNERS

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)

On this, the 26th day of May, 2010, before me, Curtis A. Story, a Notary Public, appeared Curt Hohn, personally known to me or satisfactorily proven to me to be the General Manager of WEB Water Development Association named above, and being so authorized so to do, signed the above OWNER'S CERTIFICATE for the purposes therein contained.

My Commission Expires: June 29, 2012

Curtis A. Story
Notary Public, South Dakota



SURVEYOR'S CERTIFICATE

I, Francis E. Brink, Licensed Land Surveyor, do hereby certify that at the request of the Owner shown above, have surveyed and platted "WEB WATER DEVELOPMENT 1st SUBDIVISION IN N1/2 SEC. 21-T123N-R64W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA",

Signed this 24th day of May, 2010.

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 20th day of July, 2010.

W. H. Brink
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 "WEB WATER DEVELOPMENT 1st SUBDIVISION IN N1/2 SEC. 21-T123N-R64W of 5th 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.

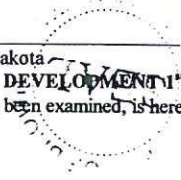
COUNTY COMMISSION APPROVAL

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 27 day of July, 2010.

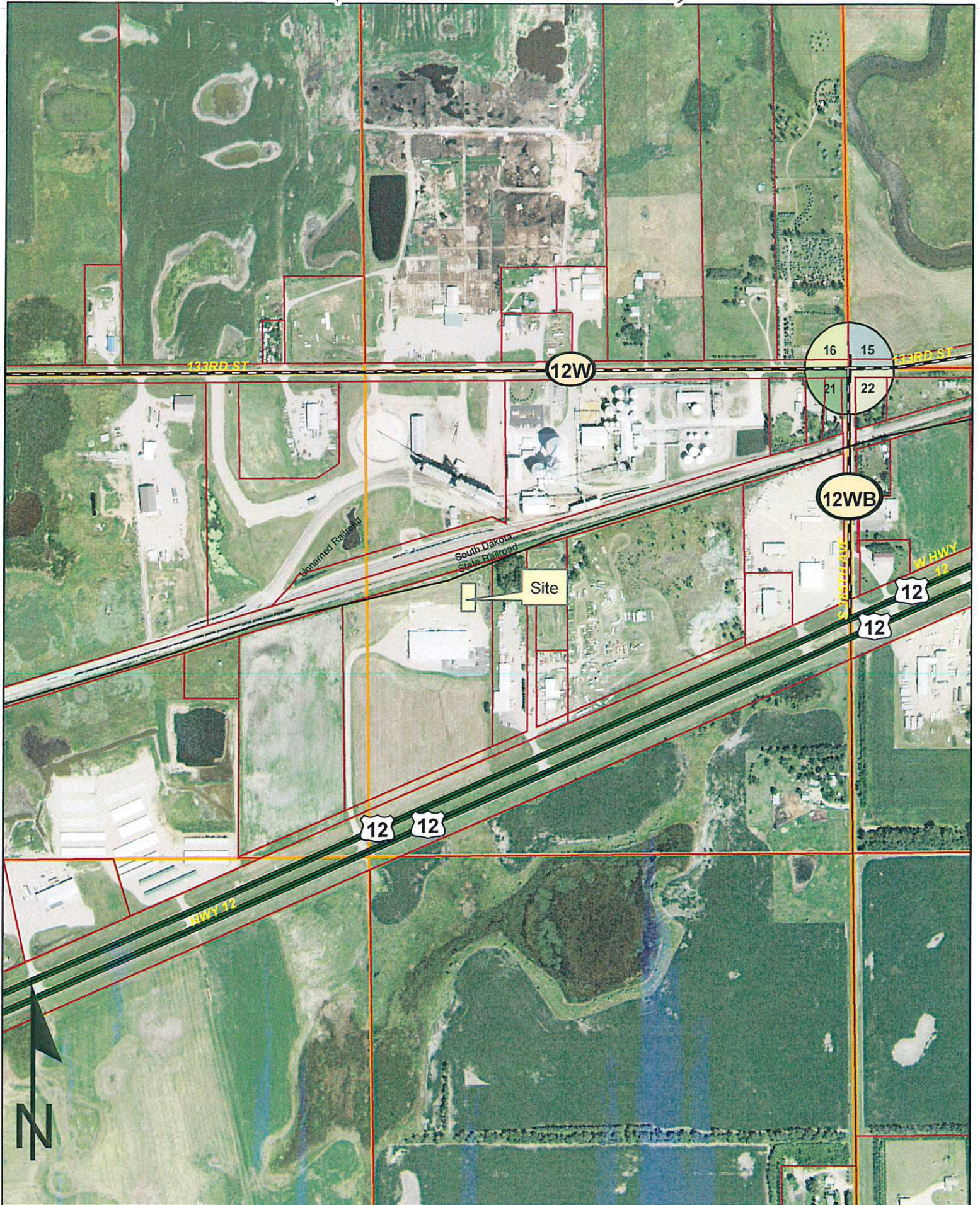
Michael Fischer
County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "WEB WATER DEVELOPMENT 1st SUBDIVISION IN N1/2 SEC. 21-T123N-R64W of 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.



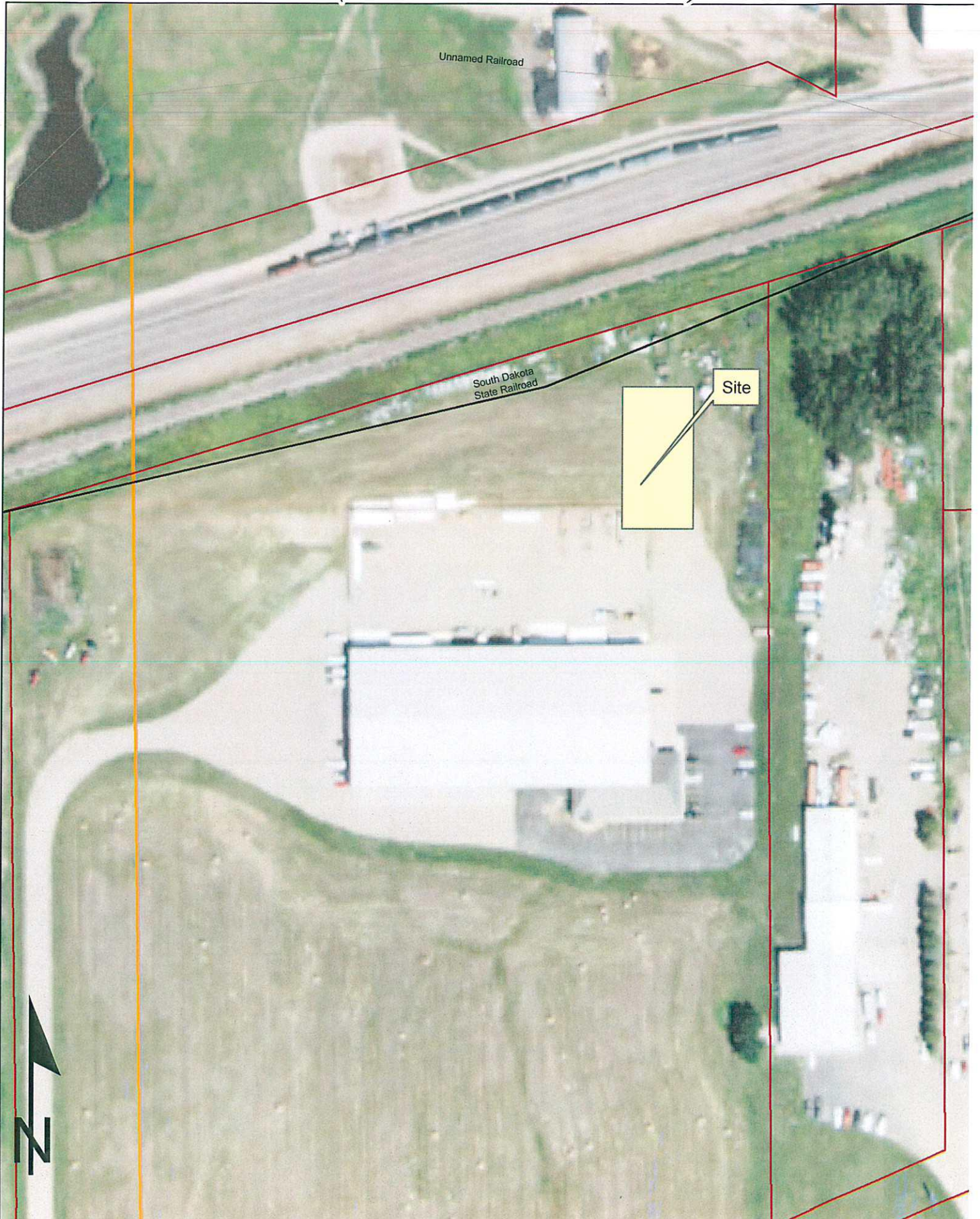
BROWN COUNTY GIS MAP

(FOR REFERENCE ONLY)



BROWN COUNTY GIS MAP

(FOR REFERENCE ONLY)



WEB Water Development Assoc
PO Box 51
Aberdeen SD 57402-0051

Aberdeen Township
C/O Robert Ross
2208 135th Street
Aberdeen SD 57401

Agtegra Cooperative
908 S Lamont Stret
Aberdeen SD 57401

Jonathan & Cindy Swenson
2522 Water View Drive
Aberdeen SD 57401

Hub City Energy, LLC
PO Box 933
Watertown SD 57201

H & H Farms LLP
2205 N Jay Street
Aberdeen SD 57401

**AFFIDAVIT OF
PUBLICATION**

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

Brown County
WEB Water Conditional Use Application
Published June 5, 2024 for \$12.57
Invoice No. 23348

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Shawn Gengerke
Legal description of property: "Shawn Gengerke's Outlot 1" in the NW1/4 of Section 19-T124N-R60W of the 5th P.M., Brown County, South Dakota (40565 127th Street; Riverside Twp.).
Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.26 may be viewed free of charge at www.sdpublish.com. 23347



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: WEB Water Development Association, Eric Hansen
Legal description of property: Lot 2, "WEB Water Development 1st Subdivision" in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (4055 Hwy 12 West; Aberdeen Twp.).
Reason: A Conditional Use Petition (CUP) to put up a 40' x 80' pole barn for cold storage in a Heavy Industrial District (H-I).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.57 may be viewed free of charge at www.sdpublish.com. 23348



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **VARIANCE PETITION**. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Marvin and Gweneth Hansen Family Trust / Shelly Schwab, P.O.A.
Description of property: Proposed Lot 1, "Marvin and Gweneth Hansen First Addition" in the NW1/4 of the NE1/4 of Section 6-T128N-R61W of the 5th P.M., Brown County, South Dakota (40055 100th Street; Liberty Twp.).
Reason: Variance to Lot Size in an AG-P District to allow Lot 1 to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per Brown County Ordinance 1.0605.

The public is invited to attend the hearing to present comments and testimony regarding the proposed Variance to Lot Size request.
Dated this 5th day of June 2024.

Planning/Zoning Commission &
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$13.49 may be viewed free of charge at www.sdpublish.com. 23349



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **VARIANCE PETITION**. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Troy & Rebecca Wechl
Description of property: Proposed Lot 9, "Howling Woods Subdivision" in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (2435 Howling Woods Lane; Aberdeen Twp.).
Reason: Variance to Frontage Width in a M-AG District to allow proposed Lot 9 to have a frontage width of 130.71' rather than the minimum 200' required by Brown County Ordinances.

The public is invited to attend the hearing to present comments and testimony regarding the proposed Variance to Lot Size request.
Dated this 5th day of June 2024.

Planning/Zoning Commission &
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.88 may be viewed free of charge at www.sdpublish.com. 23350



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for an **APPEAL OF STANDARD APPROACH WIDTHS**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Ochsner Real Estate LP II
Description of property: "Mead's Outlot D" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38390 West Highway 12; Aberdeen Twp.).
Reason: A Variance to Approach Width in a Heavy Industrial District (H-I) to have a 125'-0" wide approach rather than the 45'-0" wide standard approach width in Brown County to facilitate large truck access to their building.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
Dated this 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$13.18 may be viewed free of charge at www.sdpublish.com. 23351



NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Arlene Webb
Description of property: Proposed Lot 1, "Beving-Webb Addition" in the SE1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue; Merder Twp.).
Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) in compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers.

Verify the meeting dates with the Brown County Auditor.
Dated this 5th day of June 2024.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at www.sdpublish.com. 23352



NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: TC Wright Trust / Dennis Jones / Chad & Jean Ferguson
Description of property: Lot 1 & 2, "Wright Third Subdivision" in the NE1/4 of Section 7-T123N-R62W and Lot 1 & 2, "Jones-Wright Addition" in the E1/2 of Section 11-T124N-R65W, all of the 5th P.M., Brown County, South Dakota (13121, 13145, 13149, 13153 395th Avenue, Bath Twp.).

Reason: Rezone 3 parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) and 1 parcel from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) to bring these parcels into compliance for their current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 5th day of June 2024.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at www.sdpublish.com. 23353

— King Crossword —
Answers

Solution time: 21 mins.

E	E	R	T	E	G	R	A	B	S		
A	N	N	U	L	S	O	O	Z	I	E	R
P	R	A	N	K	S	L	O	O	K	T	O
S	I	M	S	T	R	I	S	I	S	I	S
E	C	O	N	O	B	E	N	U	F		
S	O	R	E	N	B	A	G	P	I	P	E
S	A	N	D	B	A	G	F	O	S	S	E
P	L	O	Y	G	O	D	M	C	A	T	
A	L	S	S	N	O	W	S	H	M	O	
N	O	T	I	O	O	E	A	S	E	O	N
S	T	R	O	L	L	L	A	M	A	S	
S	A	V	E	D	E	D	E	X	A	N	

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King Crossword

ACROSS

- 1 Haunting
- 6 Seizes
- 11 Cancels
- 12 More apt to seep
- 14 April 1 gags
- 15 Consult
- 16 Scrooge por-trayer Alastair
- 17 Feudal work-ers
- 19 Oahu, for one (Abbr.)
- 20 Nobel Prize subj.
- 22 San Francis-co's — Hill
- 23 Sufficient, informally
- 24 Philosopher Kierkegaard
- 26 Droning reed
- 28 Tease
- 30 USO patrons
- 31 Flood protec-tion
- 35 "Cabaret" director Bob
- 39 Tactic
- 40 Pantheon member
- 42 Future doc's exam
- 43 Gore and Green
- 44 Bamboozles
- 46 Med. plan option

1	2	3	4	5	6	7	8	9	10	
11					12				13	
14					15					
16			17	18				19		
20		21	22					23		
24				25		26		27		
				28		29				
31	32	33			34		35	36	37	38
39				40		41		42		
43				44				45		46
47			48			49		50		
51						52				
	53					54				

- 6 Course load?
- 9 Take it slow
- 51 Saunter
- 52 Andean pack animals
- 53 Rescued
- 54 Austin native
- 6 "— shabby!"
- 7 Aussie hop-pers
- 8 Dye type
- 9 Two-piece suit
- 10 Establishes
- 11 Basilica areas
- 13 Husband of Pocahontas
- 18 Filch
- 21 Hardly hip
- 23 — salts
- 24 Sorts
- 25 Pen tip
- 27 Computer image, briefly
- 29 Novelist Enid
- 31 Bridges
- 32 Doles out
- 33 Cosa —
- 34 Sticky stuff
- 36 Blueprint, e.g.
- 37 Pacific islander
- 38 Short jackets
- 41 Resided
- 44 Only
- 45 Auction
- 48 "Mazel —"
- 50 Jazz band instrument

DOWN

Weekly SUDOKU —
Answer

2	6	9	4	8	7	3	1	5
3	1	7	2	9	5	4	8	6
8	4	5	3	6	1	2	7	9
9	2	1	5	7	8	6	4	3
5	3	8	6	2	4	7	9	1
6	7	1	8	1	2	5	9	8

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STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE FOR FRONTAGE WIDTH IN M-AG

ITEM #09

Mini-Agriculture District (M-AG)

GENERAL INFORMATION:

OWNER: Troy & Rebecca Woehl
PETITIONER: Troy & Rebecca Woehl

REQUEST: **VARIANCE FOR FRONTAGE WIDTH IN A MINI-AGRICULTURE DISTRICT (M-AG)**

LEGAL DESCRIPTION: Proposed Lot 9, "Howling Woods Subdivision" in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota

ADDRESS: 2435 Howling Woods Lane

CITY/TOWNSHIP: Aberdeen Twp

EXISTING ZONING SURROUNDING ZONING: Mini-Agriculture District (M-AG)

North: Mini-Agriculture District (M-AG)

South: Mini-Agriculture District (M-AG)

West: Mini-Agriculture District (M-AG)

East: Mini-Agriculture District (M-AG)

PUBLIC UTILITIES: WEB Water

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Frontage Width to allow Lot 9 to have a frontage width of 130.71' rather than the minimum 200' required by Brown County Ordinances (3.76± acre lot).

GENERAL REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: May 24, 2024
RECEIPT # 821972
TOWNSHIP: Aberdeen Twp

FEE: \$125.00
PAID: YES/NO CHK/CASH
DATE: May 30, 2024

OWNERS NAME (print): Troy & Rebecca Woehl
OWNERS SIGNATURE: Troy Woehl 5/30/24
OWNERS ADDRESS: 1749 Droog Court
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-380-4473
OWNERS EMAIL: troy@woehlconstruction.com

AGENTS NAME (print): _____
AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____
AGENTS EMAIL: _____

REQUEST: A Variance to Frontage Width to allow proposed Lot 9 to have a frontage width of 130.71' rather than the minimum 200' required by Brown County Ordinances

LEGAL DESCRIPTION: Proposed Lot 9, "Howling Woods Subdivision" in the SW1/4 of Section 22-T123N-R64W, of the 5th P.M., Brown County, South Dakota (2435 Howling Woods Lane; Aberdeen Twp.)

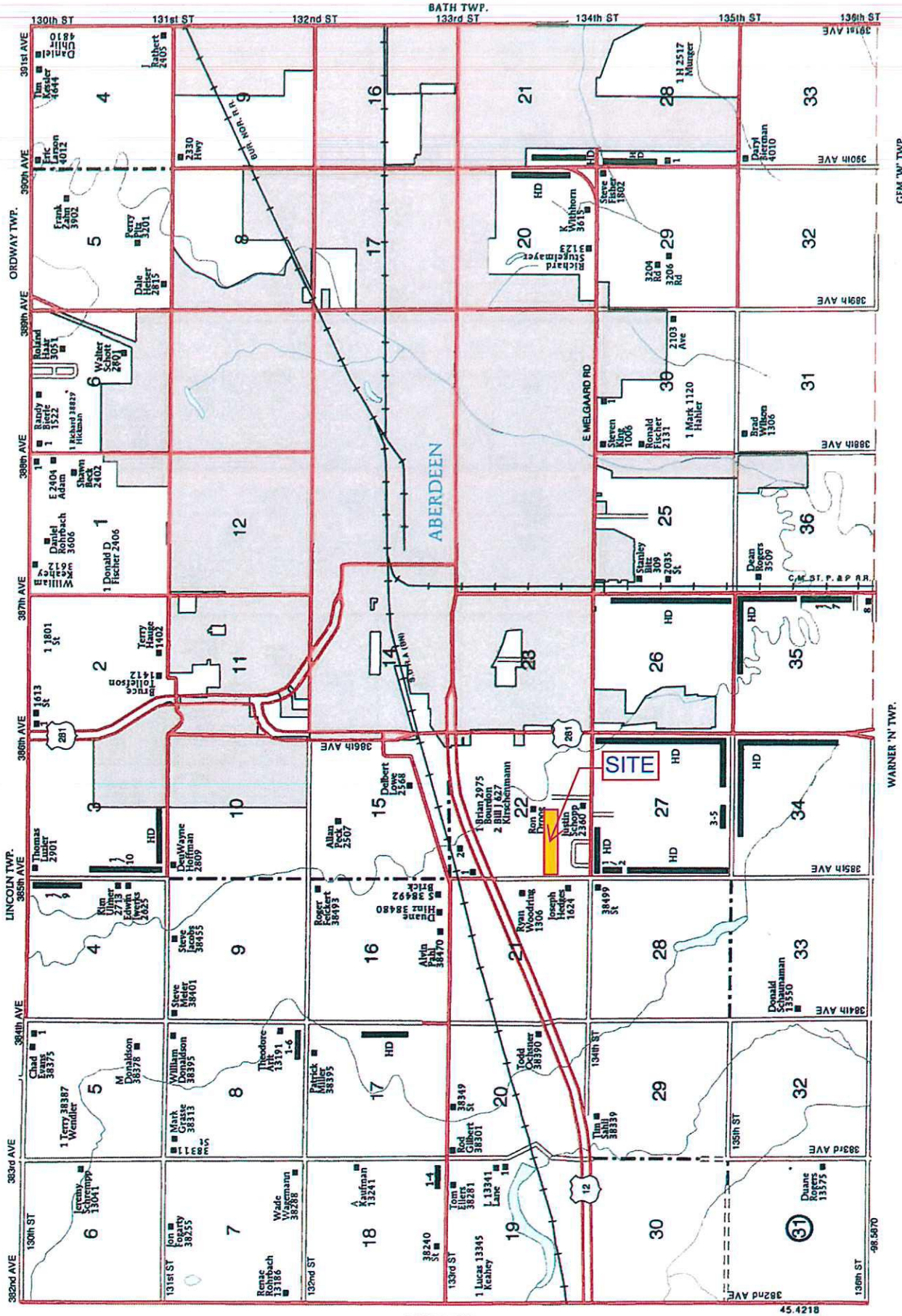
Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: June 18, 2024 **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 • www.brown.sd.us • email: Scott.Bader@browncounty.sd.gov

(Residence - Owners or Renters)



SEE PAGE 21 FOR ADDITIONAL NAMES NOT LISTED ON MAPS.

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MERCIER TWP.

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex on Tuesday, June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Troy & Rebecca Woehl

Description of property: Proposed Lot 9, "Howling Woods Subdivision" in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (2435 Howling Woods Lane; Aberdeen Twp.).

Reason: Variance to Frontage Width in a M-AG District to allow proposed Lot 9 to have a frontage width of 130.71' rather than the minimum 200' required by Brown County Ordinances.

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

Dated this 5th day of June 2024.

Planning/Zoning Commission &
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

(Woehl)

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"/>	

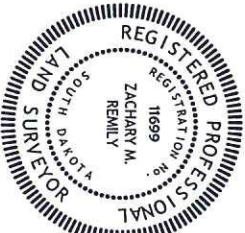
Prong Two

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 must be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Corner lots in newly platted subdivisions are difficult to meet the 200' required frontage.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does not mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input checked="" type="checkbox"/>	No <input 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"/>	



Prepared By:
Assurance
 LAND SURVEYING
 619 14th Avenue S, Faulkton, South Dakota 57438
 Phone: 605-290-3090 / Email: zach@assurancesurveying.com
 Project No. ALS24012B Field Survey Date: 02-13-2024

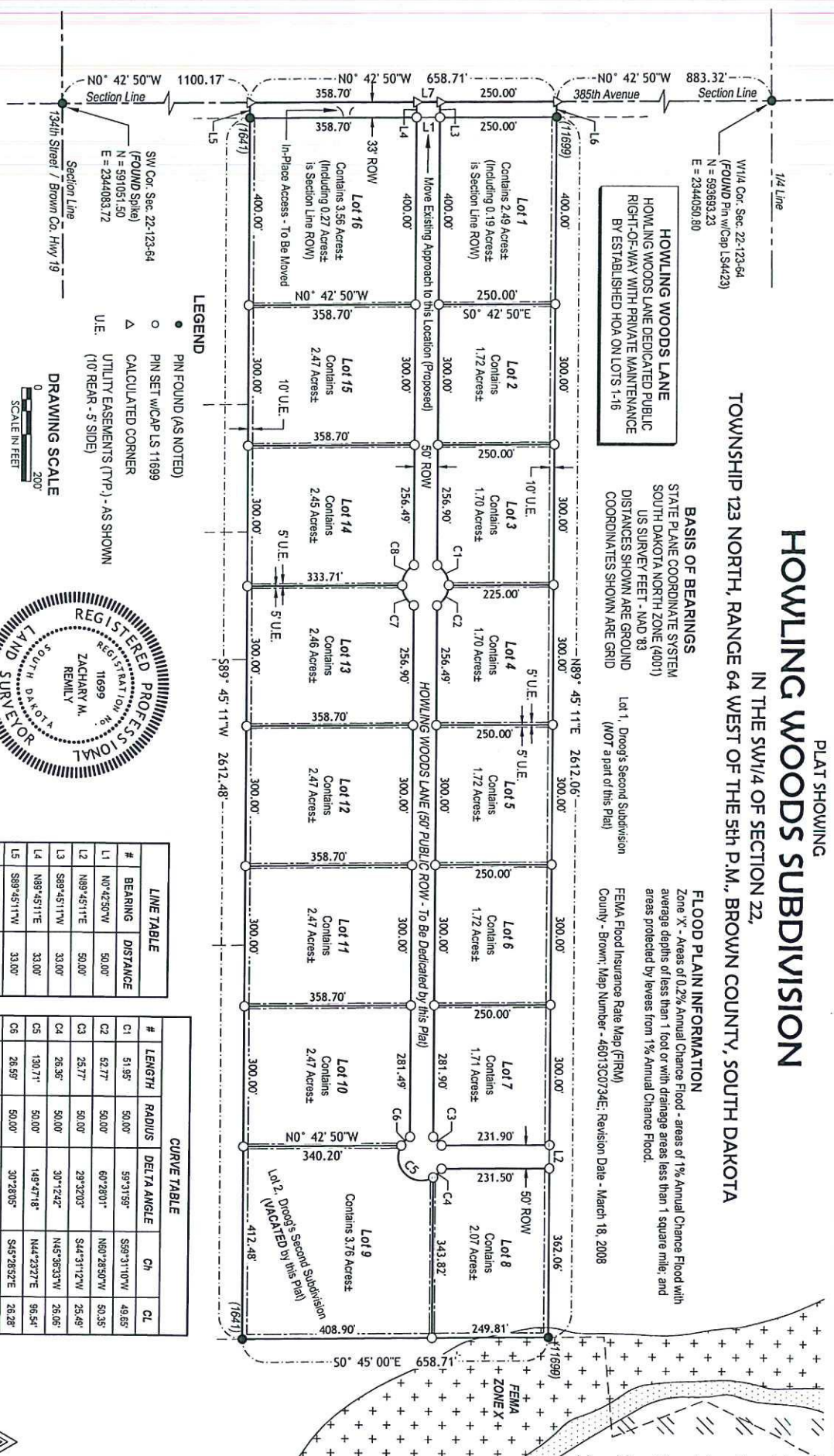


LINE TABLE		
#	BEARING	DISTANCE
L1	N0°42'50"W	50.00'
L2	N89°45'11"E	50.00'
L3	S89°45'11"W	33.00'
L4	N89°45'11"E	33.00'
L5	S89°45'11"W	33.00'
L6	N89°45'11"E	33.00'
L7	N0°42'50"W	50.00'

CURVE TABLE					
#	LENGTH	RADIUS	DELTA ANGLE	Ch	CL
C1	51.95'	50.00'	59°31'58"	S59°31'10"W	49.65'
C2	52.77'	50.00'	60°28'01"	N60°28'50"W	50.35'
C3	25.77'	50.00'	29°32'03"	S44°31'12"W	25.48'
C4	26.36'	50.00'	30°1'42"	N45°38'33"W	26.06'
C5	130.71'	50.00'	148°47'18"	N44°28'27"E	96.54'
C6	26.59'	50.00'	30°2'305"	S44°28'52"E	26.28'
C7	51.95'	50.00'	59°31'58"	N59°31'10"E	49.65'
C8	52.77'	50.00'	60°28'01"	S60°28'50"E	50.35'



- LEGEND**
- PIN FOUND (AS NOTED)
 - PIN SET w/CAP LS 11699
 - △ CALCULATED CORNER
 - U.E. UTILITY EASEMENTS (TYP.) - AS SHOWN
 - (10' REAR - S SIDE)



HOWLING WOODS LANE
 HOWLING WOODS LANE DEDICATED PUBLIC
 RIGHT-OF-WAY WITH PRIVATE MAINTENANCE
 BY ESTABLISHED HOA ON LOTS 1-16

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

Lot 1, Droeg's Second Subdivision
 (NOT a part of this Plat)

FLOOD PLAIN INFORMATION
 Zone X - Areas of 0.2% Annual Chance Flood - areas of 1% Annual Chance Flood with
 average depths of less than 1 foot or with drainage areas less than 1 square mile; and
 areas protected by levees from 1% Annual Chance Flood.
 FEMA Flood Insurance Rate Map (FIRM)
 County - Brown; Map Number - 46013C0734E; Revision Date - March 18, 2008

PLAT SHOWING
HOWLING WOODS SUBDIVISION
 IN THE SW1/4 OF SECTION 22,
 TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

PLAT SHOWING
HOWLING WOODS SUBDIVISION

IN THE SW1/4 OF SECTION 22,
TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Troy Woehl and Rebecca Woehl, 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 Lot 2, Droog's Second Subdivision in the South Half (S1/2) of Section Twenty-Two (22), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that we have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

"**HOWLING WOODS SUBDIVISION IN THE SW1/4 OF SECTION 22,
TOWNSHIP 123 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.

By this plat, we, Troy Woehl and Rebecca Woehl, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby VACATE Lot 2, Droog's Second Subdivision in the South Half (S1/2) of Section Twenty-Two (22), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota as filed for record on March 28, 2024 at 8:51 A.M., and duly recorded as Hanging Plat No. 3966.

By this plat, we, Troy Woehl and Rebecca Woehl, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do/does hereby DEDICATE to the public forever, *Howling Woods Lane*, as shown on the attached plat for street purposes.

By this plat, Troy Woehl and Rebecca Woehl, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby DEDICATE for perpetual use by all public utilities, the utility easements shown or referenced on the attached plat.

Owner: **Troy Woehl**

Owner: **Rebecca Woehl**

Signature _____

Signature _____

Signed this _____ day of _____, 20_____.

Signed this _____ day of _____, 20_____.

COUNTY OF _____)
) SS
STATE OF _____)

COUNTY OF _____)
) SS
STATE OF _____)

On this the _____ day of _____, 20_____,
before me, _____, the undersigned officer,
personally appeared **Troy Woehl**, known to me or satisfactorily proven to
be the person who, subscribed to the within instrument and acknowledged
that they executed the same for the purposes therein contained.

On this the _____ day of _____, 20_____,
before me, _____, the undersigned officer,
personally appeared **Rebecca Woehl**, known to me or satisfactorily proven
to be the person who, subscribed to the within instrument and
acknowledged that they 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: _____

My Commission Expires: _____

Notary Public _____

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 owners, I have surveyed and platted:

"**HOWLING WOODS SUBDIVISION IN THE SW1/4 OF SECTION 22,
TOWNSHIP 123 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.

ZACHARY M. REMILY, LS 11699

Signed this _____ day of _____, 20_____.

PLAT SHOWING

HOWLING WOODS SUBDIVISION

IN THE SW1/4 OF SECTION 22,

TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

HIGHWAY APPROVAL

"Proposed Access to 385th STREET 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:

**"HOWLING WOODS SUBDIVISION IN THE SW1/4 OF SECTION 22,
TOWNSHIP 123 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:

**"HOWLING WOODS SUBDIVISION IN THE SW1/4 OF SECTION 22,
TOWNSHIP 123 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

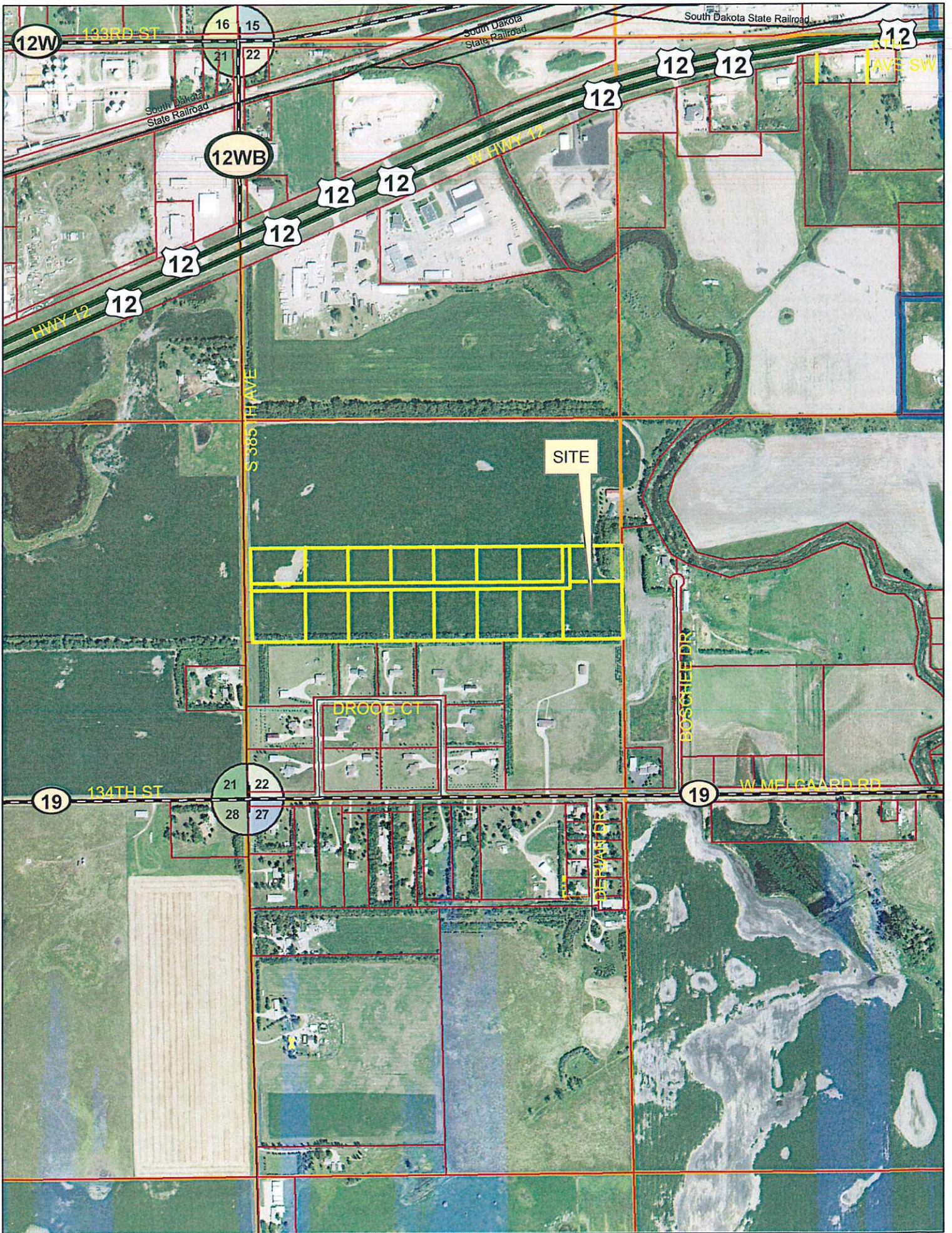
REGISTER OF DEEDS' CERTIFICATE

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



12

HWY 12

S 385TH AVE

SITE

LOT 9

DROGG CT

134TH ST

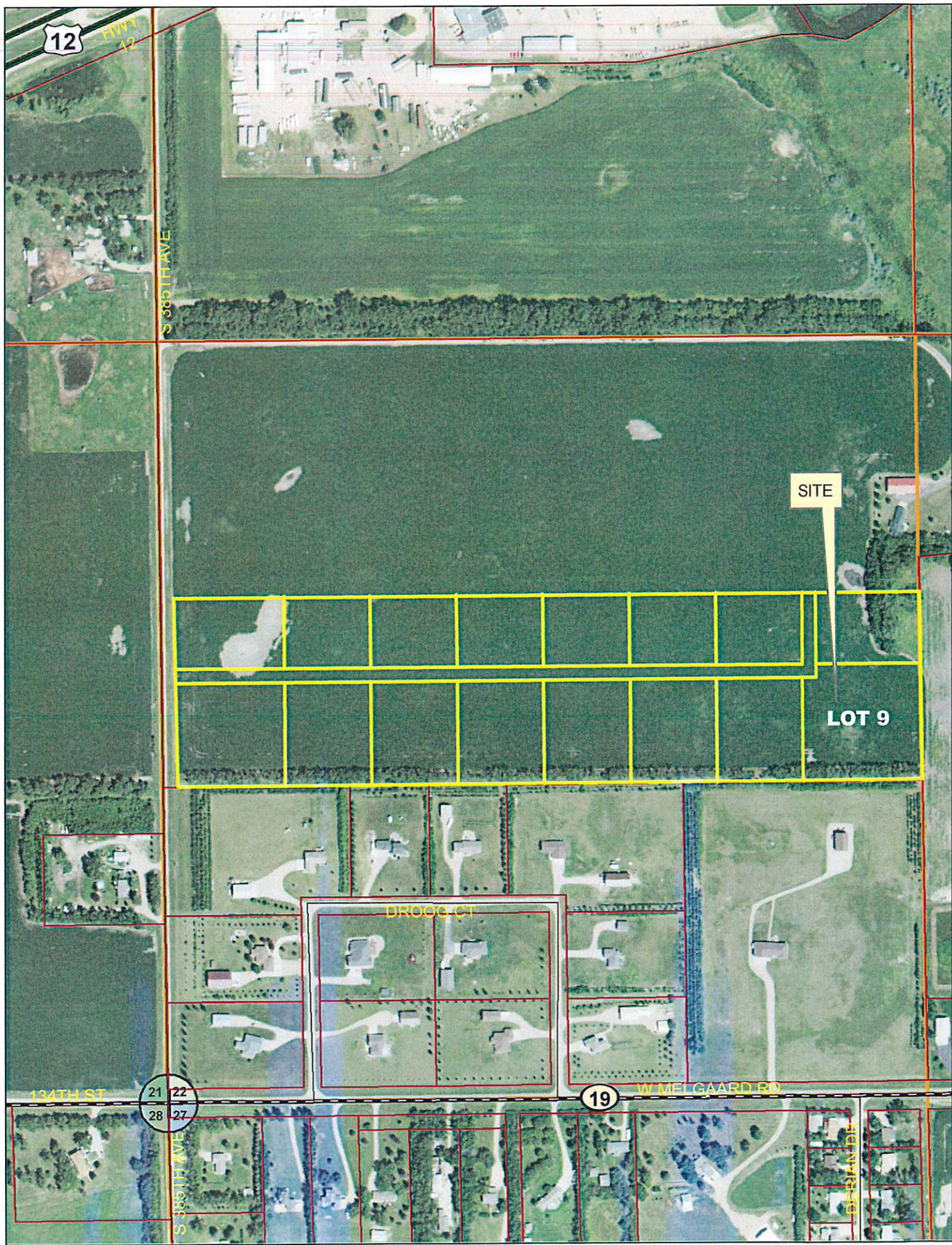
21 22
28 27

19

W MEL GAARD BN

S 385TH AVE

DEERAN DR



Troy & Rebecca Woehl

1749 Droog Court
Aberdeen, SD 57401

Aberdeen Township

Attn: James Kunkle
13229 384th Avenue
Aberdeen, SD 57401

Ronald & Debra Droog

1401 S 385th Avenue
Aberdeen, SD 57401

Kelvin Boschee

PO Box 1841
Aberdeen, SD 57402-1841

Terry & Cindy Winegar

2506 W Melgaard Road
Aberdeen, SD 57401

Michael Wiltfang

1741 Droog Court
Aberdeen, SD 57401

Klarissa Droog

1745 Droog Court
Aberdeen, SD 57401

Brady & Kimberly Byram

1747 Droog Court
Aberdeen, SD 57401

Joe & Mary Hedges

2002 S Merton Street
Aberdeen, SD 57401

H & H Farms LLP

2205 N Jay Street
Aberdeen, SD 57401

**AFFIDAVIT OF
PUBLICATION**

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County
Woehl Variance Application
Published June 5, 2024 for \$12.88
Invoice No. 23350**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682

STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY PLANNING COMMISSION

REZONE PARCEL FROM:

ITEM # 10

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

GENERAL INFORMATION:

OWNER: Arlene Webb-Stanley

PETITIONER: Morgan Beving

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

LEGAL DESCRIPTION: Proposed Lot 1, "Beving-Webb Addition" in the SE1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota

ADDRESS: 13291 382nd Avenue

CITY/TOWNSHIP: Mercier 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: Scott Bader

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 Basement Community Room, Brown County Courthouse Annex on June 18, 2024, at 7:00 P.M.

Petitioner: Arlene Webb

Description of property: Proposed Lot 1, "Beving-Webb Addition" in the SE1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue; Mercier 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.

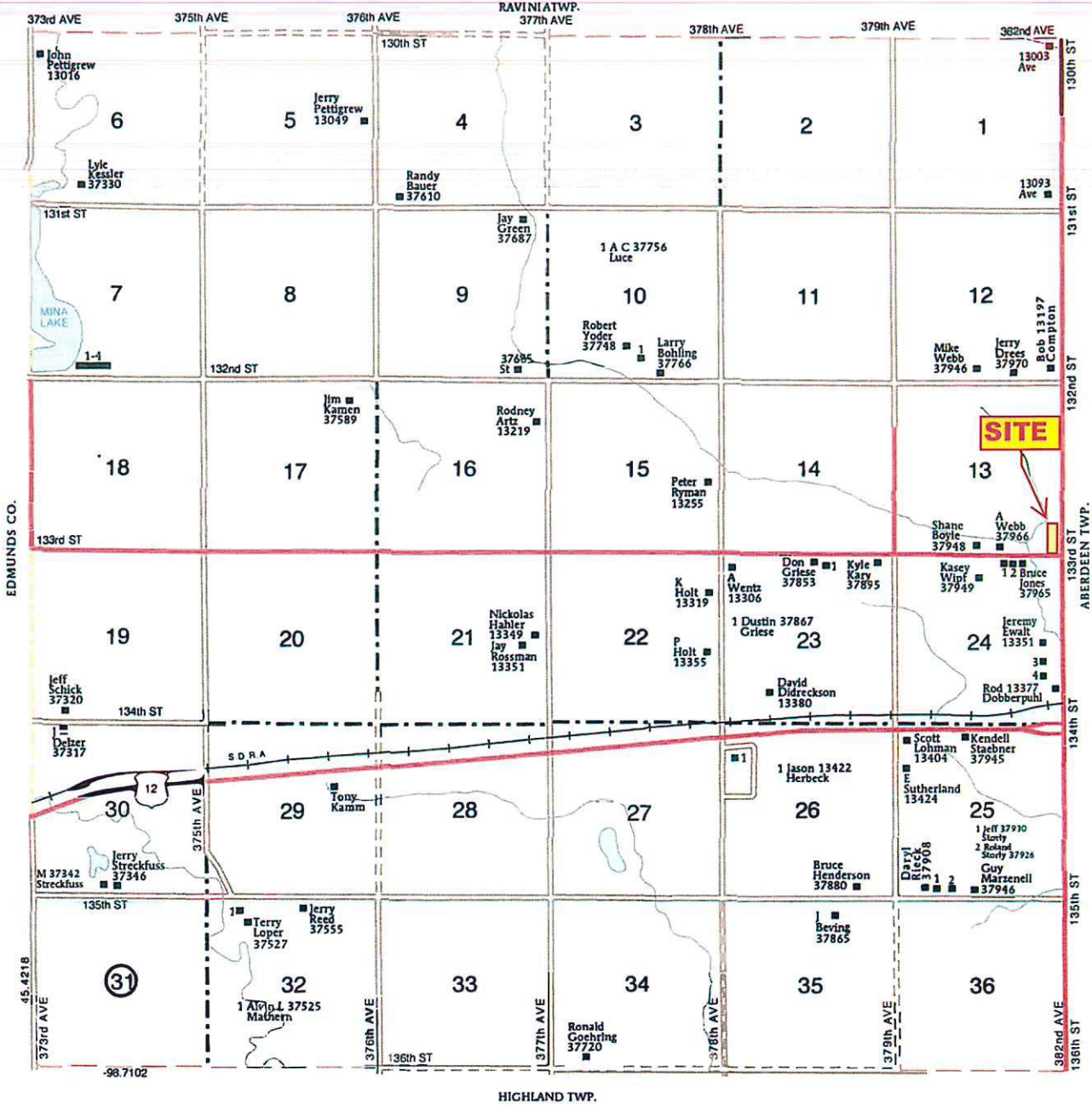
The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 5th day of June 2024.

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 _____.

(Residents - Owners or Renters)



HIGHLAND TWP.

MERCIER TOWNSHIP

SECTION 7

- 1 Bauer, Bryan 37302
- 2 Davis, I 37306
- 3 Saio, Roger 37310
- 4 Dykema, Wade 37320

SECTION 24

- 1 Hehn, Robert 37961
- 2 Jones, Jamie 37963
- 3 Zinter, Daniel 13365
- 4 Hammer, Leland 13371

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: _____
Receipt: 821963
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:

Proposed Lot 1, "Beving-Webb Addition" in the SE1/4 of Section 33-T123N-R65W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 13291 382ND AVENUE
From the Agriculture Preservation (AG-P) District
To the Mini-Agriculture (M-AG) District

Purpose: To Bring into Compliance
Size of Parcel: Lot 1 = +/- 4.13 acres
Existing Land Use: Mini-Agriculture

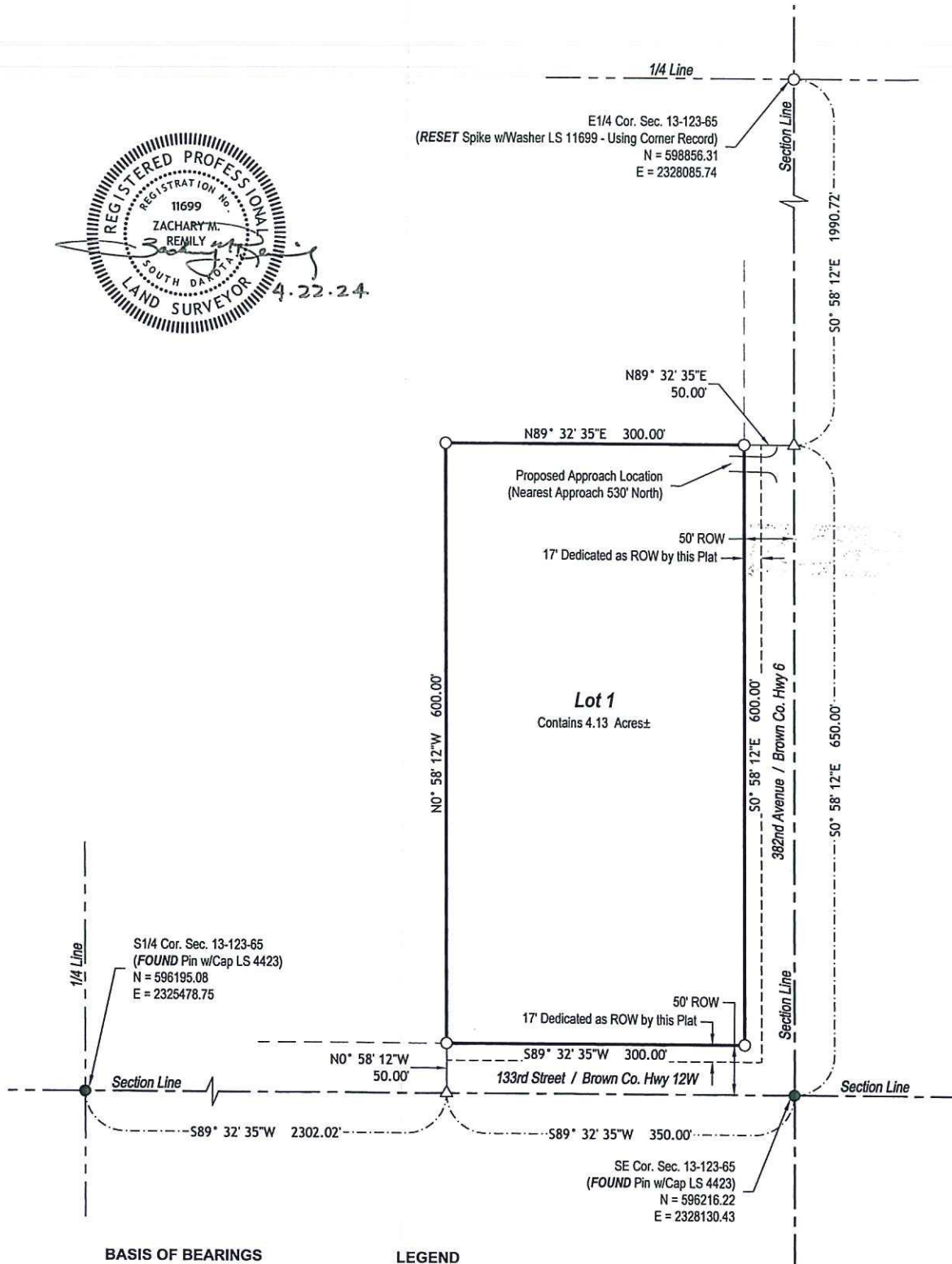
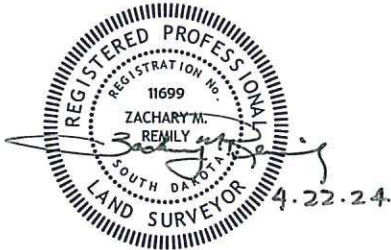
Petitioner: (Print) Arlene Webb-Stanley
Signature: Arlene Webb-Stanley
Date: 5/30/24 Phone: 605-380-0485
Address: 37966 133rd Street
Aberdeen SD 57401
City State Zip

Owner: (Print) _____
Signature: _____
Date: _____ Phone: _____
Address: _____
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT SHOWING
BEVING-WEBB ADDITION

IN THE SE1/4 OF SECTION 13, TOWNSHIP 123 NORTH, RANGE 65 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

DRAWING SCALE
 0 100'
 SCALE IN FEET



Prepared By:
 619 14th Avenue S, Faulkton, South Dakota 57438
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
 Project No. ALS23035 Field Survey Date: 04-12-2024

PLAT SHOWING

BEVING-WEBB ADDITION

IN THE SE1/4 OF SECTION 13, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, Arlene P. Webb-Stanley, do hereby certify that I am the owner of the Southeast Quarter (SE1/4) of Section Thirteen (13), except Vilhauer Outlot 1, Township One Hundred Twenty-Three (123) North, Range Sixty-Five (65) 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:

**"BEVING-WEBB ADDITION IN THE SE1/4 OF SECTION 13,
TOWNSHIP 123 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.

By this plat, I, *Arlene P. Webb-Stanley* do hereby dedicate the 17' parallel and adjacent to the 33' Section Line right-of-way along Brown County Highway 12W AND Brown County Highway 6 as shown on the attached plat, to the County for Highway Right-of-Way purposes.

Owner: *Arlene P. Webb-Stanley*

Arlene P. Webb-Stanley
Signature

Signed this 20th day of May, 2024.

COUNTY OF Brown)
STATE OF South Dakota) SS

On this the 20th day of May, 2024, before me, Kathy Zirbel, the undersigned officer, personally appeared *Arlene P. Webb-Stanley*, known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

My Commission Expires: March 17, 2029

Kathy Zirbel
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:

**"BEVING-WEBB ADDITION IN THE SE1/4 OF SECTION 13,
TOWNSHIP 123 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.

Zachary M. Remily
ZACHARY M. REMILY, LS 11699

Signed this 22nd day of APRIL, 2024.

HIGHWAY APPROVAL

"Proposed Access to **BROWN COUNTY HIGHWAY 6** 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____.

BEVING-WEBB ADDITION

IN THE SE1/4 OF SECTION 13, TOWNSHIP 123 NORTH, RANGE 65 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:

**"BEVING-WEBB ADDITION IN THE SE1/4 OF SECTION 13,
TOWNSHIP 123 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.

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:

**"BEVING-WEBB ADDITION IN THE SE1/4 OF SECTION 13,
TOWNSHIP 123 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 records of my office to be fully paid.

Signed this 20th day of May, 2024.

Maunster

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

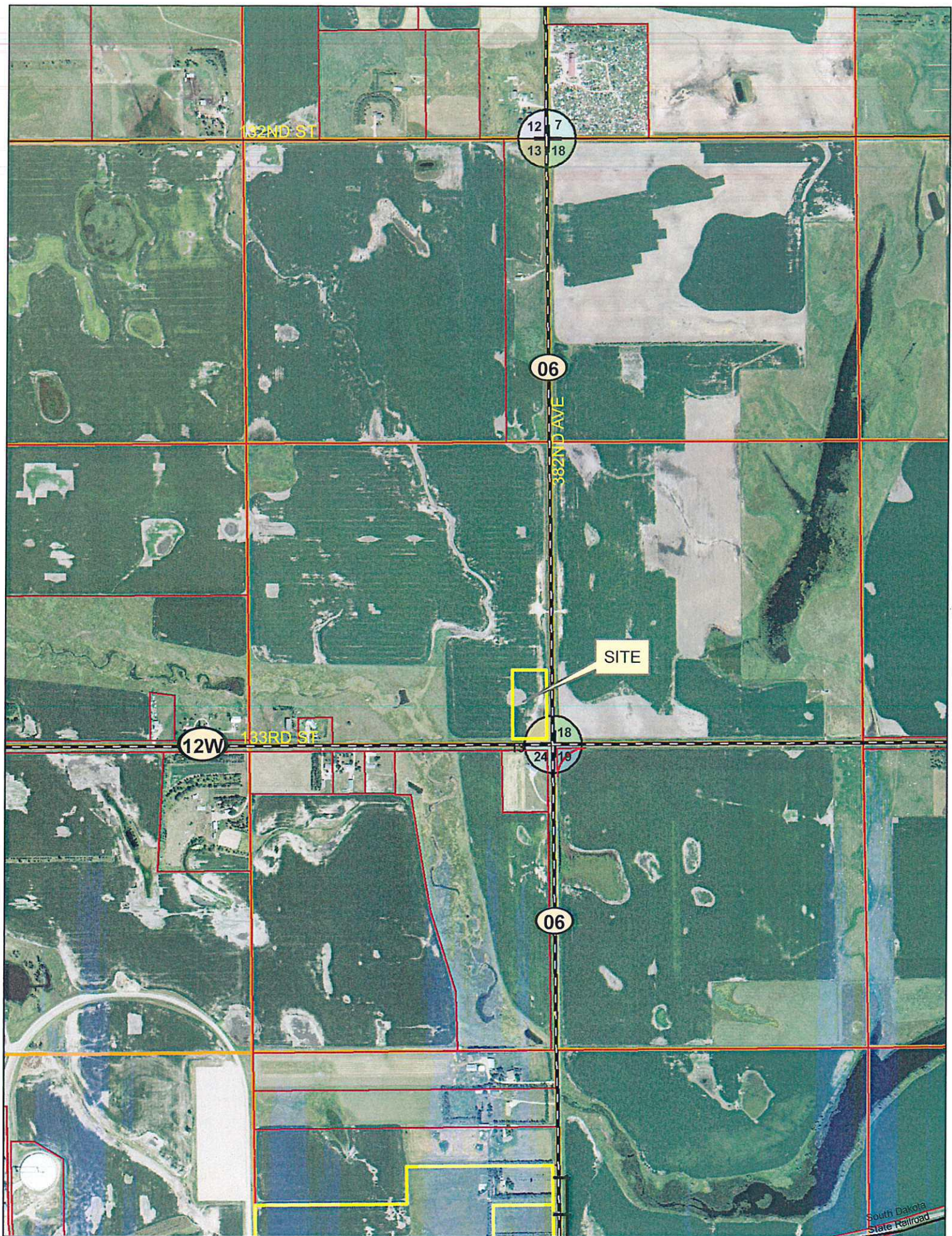
REGISTER OF DEEDS' CERTIFICATE

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



132ND ST

12 7
13 18

06

382ND AVE

SITE

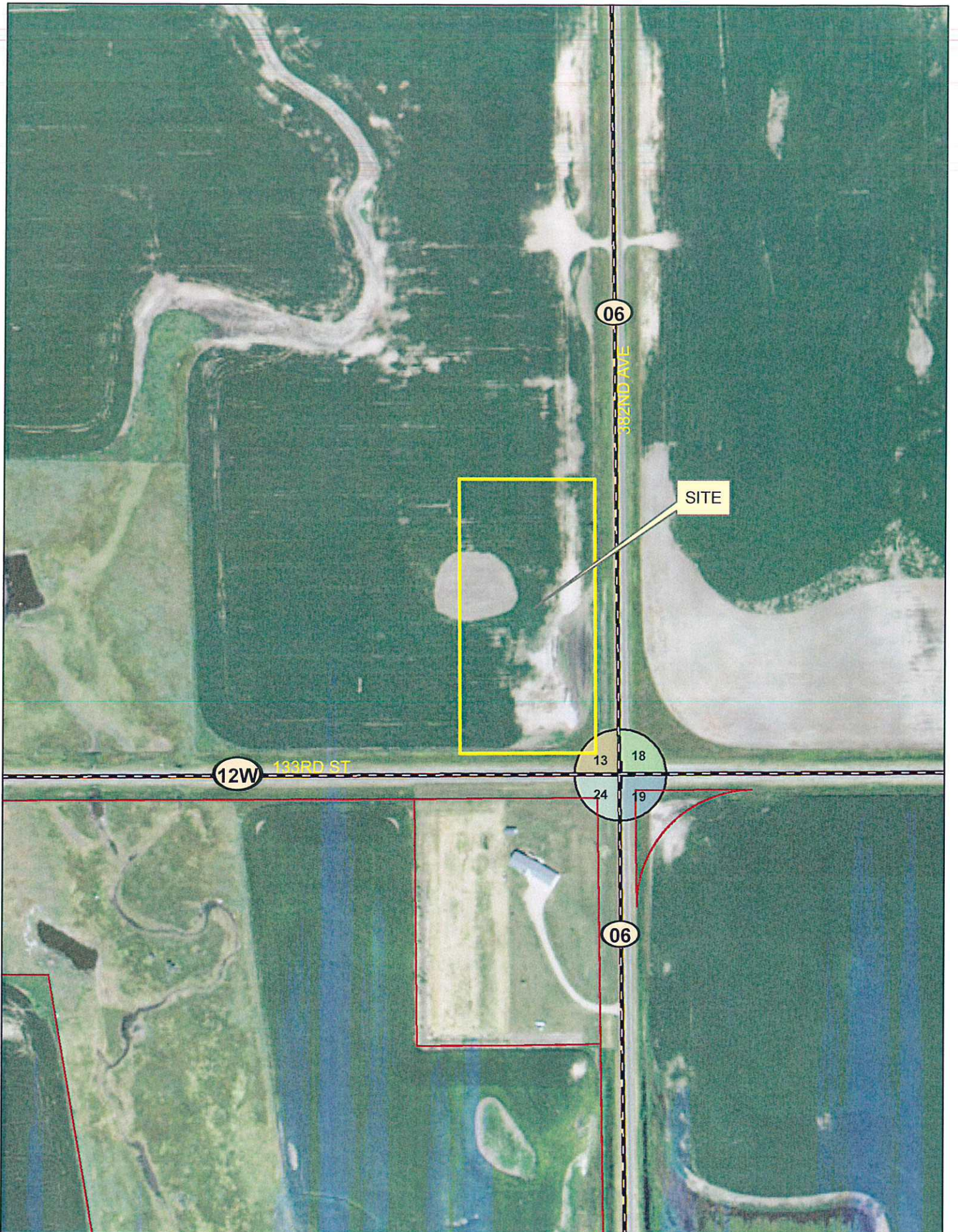
12W

133RD ST

18
24 19

06

South Dakota
State Railroad



Arlene Webb-Stanley
37966 133rd Street
Aberdeen, SD 57401

Mercier Township
Attn: Allen Luce
37756 132nd Street
Aberdeen, SD 57401

Tom & Peggy Eilers
38281 133rd Street
Aberdeen, SD 57401

Jerrad Jangula
13309 382nd Avenue
Aberdeen, SD 57401

**AFFIDAVIT OF
PUBLICATION**

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County
Webb Rezoning Application
Published June 5, 2024 for \$14.72
Invoice No. 23352**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Shawn Gengerke
Legal description of property: "Shawn Gengerke's Outlot 1" in the NW1/4 of Section 19-1124N-R60W of the 5th P.M., Brown County, South Dakota (40605 127th Street; Riverside Twp.).
Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 5th day of June 2024.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.26 may be viewed free of charge at www.sdpublishnotices.com. 23347



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: WEB Water Development Association, Eric Hansen
Legal description of property: Lot 2 "WEB Water Development 1st Subdivision" in the E1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38456 Hwy 12 West; Aberdeen Twp.).
Reason: A Conditional Use Petition (CUP) to put up a 40' x 80' pole barn for cold storage in a Heavy Industrial District (H-I).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 5th day of June 2024.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.57 may be viewed free of charge at www.sdpublishnotices.com. 23348



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **VARIANCE PETITION**. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Marvin and Gweneth Hansen Family Trust / Shelly Schwab, P.O.A.
Description of property: Proposed Lot 1, "Marvin and Gweneth Hansen First Addition" in the NW1/4 of the NE1/4 of Section 6-T128N-R61W of the 5th P.M., Brown County, South Dakota (40055 100th Street; Liberty Twp.).
Reason: Variance to Lot Size in an AG-P District to allow Lot 1 to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per Brown County Ordinances 4.0605.

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

Dated this 5th day of June 2024.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$13.49 may be viewed free of charge at www.sdpublishnotices.com. 23349



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **VARIANCE PETITION**. Hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Troy & Rebecca Woehl
Description of property: Proposed Lot 9, "Howling Woods Subdivision" in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (2435 Howling Woods Lane; Aberdeen Twp.).
Reason: Variance to Frontage Width in a M-AG District to allow proposed Lot 9 to have a frontage width of 130.71' rather than the minimum 200' required by Brown County Ordinances.

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

Dated this 5th day of June 2024.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.88 may be viewed free of charge at www.sdpublishnotices.com. 23350



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for an **APPEAL OF STANDARD APPROACH WIDTHS**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Ochsner Real Estate LP II
Description of property: "Mead's Outlot D" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (33390 West Highway 12, Aberdeen Twp.).
Reason: A Variance to Approach Width in a Heavy Industrial District (H-I) to have a 125'-0" wide approach rather than the 45'-0" wide standard approach width in Brown County to facilitate large truck access to their building.

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

Dated this 5th day of June 2024.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$13.18 may be viewed free of charge at www.sdpublishnotices.com. 23351



NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex on June 18, 2024, at 7:00 P.M.

Petitioner: Arlene Webb
Description of property: Proposed Lot 1, "Beving-Webb Addition" in the SE1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue; Merder 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 rezoning 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 5th day of June 2024.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at www.sdpublishnotices.com. 23352



NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: TC Wright Trust / Dennis Jones / Chad & Jean Ferguson
Description of property: Lot 1 & 2, "Wright Third Subdivision" in the NE1/4 of Section 7-T123N-R62W and Lot 1 & 2, "Jones-Wright Addition" in the E1/2 of Section-T123N-R62W, all of the 5th P.M., Brown County, South Dakota (13121, 13145, 13149, 13153 395th Avenue, Bath Twp.).
Reason: Rezone 3 parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) and 1 parcel from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) to bring these parcels into compliance for their current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning 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 5th day of June 2024.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at www.sdpublishnotices.com. 23353

King Crossword
Answers

Solution time: 21 mins.

E	E	R	T	I	E	G	R	A	B	S
A	N	N	U	L	S	O	O	Z	I	E
P	R	A	N	K	S	L	O	O	K	T
S	I	M	S	E	R	F	S	I	S	L
E	C	O	N	N	O	B	E	N	U	F
S	O	R	E	N	B	A	G	P	T	I
A	R	B	G	I	S					
S	A	N	D	A	G	O	F	O	S	S
P	L	O	T	A	G	O	U	C	I	T
A	L	S	S	N	O	W	S	N	I	M
N	O	T	I	O	E	A	S	E	O	N
S	T	R	O	L	L	A	M	A	S	O
S	A	V	E	D	T	E	X	A	N	

HARR Motors
www.harrmotors.com
605-225-3078 ~ 1-800-658-3463

King Crossword

- ACROSS**
- 1 Haunting
 - 6 Seizes
 - 11 Cancels
 - 12 More apt to seep
 - 14 April 1 gags
 - 15 Consult
 - 16 Scrooge portrayer Alastair
 - 17 Feudal workers
 - 19 Oahu, for one (Abbr.)
 - 20 Nobel Prize subj.
 - 22 San Francisco's - Hill
 - 23 Sufficient, informally
 - 24 Philosopher Kierkegaard
 - 26 Droning reed
 - 28 Tease
 - 30 USO patrons
 - 31 Flood protection
 - 35 "Cabaret" director Bob
 - 39 Tactic
 - 40 Pantheon member
 - 42 Future doc's exam
 - 43 Gore and Green
 - 44 Bamboozles
 - 46 Med. plan option

1	2	3	4	5	6	7	8	9	10
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51							52		
				53					54

- 47 " - shabby!"
- 49 Take it slow
- 51 Saunter
- 52 Andean pack animals
- 53 Rescued
- 54 Austin native
- DOWN**
- 1 Physician Fermi
- 2 Captivate
- 3 Skeddadle
- 4 Sorts
- 5 Ruhr Valley city
- 6 Course load?
- 7 Aussie hoppers
- 8 Dye type
- 9 Two-piece suit
- 10 Establishes
- 11 Basilica areas
- 13 Husband of Pocahontas
- 18 Filch
- 21 Hardly hip
- 23 - salts
- 25 Pen tip
- 27 Computer image, briefly
- 29 Novelist Enid
- 31 Bridges
- 32 Doles out
- 33 Cosa -
- 34 Sticky stuff
- 36 Blueprint, e.g.
- 37 Pacific islander
- 38 Short jackets
- 41 Resided
- 44 Only
- 45 Auction
- 48 "Mazel -!"
- 50 Jazz band instrument

Weekly SUDOKU
Answer

2	6	9	4	8	7	3	1	5
3	1	7	2	9	5	4	8	6
8	4	5	3	6	1	2	7	9
9	2	1	5	7	8	6	4	3
5	3	8	6	2	4	7	9	1
6	7	4	8	1	2	3	5	9

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STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY PLANNING COMMISSION

REZONE PARCELS FROM:

ITEM # 11

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

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

GENERAL INFORMATION:

OWNER:	TC Wright Trust / Dennis Jones / Chad & Jean Ferguson
PETITIONER:	TC Wright Trust-Todd & Connie Wright
REQUEST:	Rezone Parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) & Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P)
LEGAL DESCRIPTION:	Lots 1 & 2, "Wright Third Subdivision" in the NE1/4 of Section 7-T123N-R62W and Lots 1 & 2, "Jones-Wright Addition" in the E1/2 of Section 7-T123N-R62W, all of the 5 th P.M., Brown County, South Dakota
ADDRESS:	13121, 13145, 13149 & 13153 395 th Avenue
CITY/TOWNSHIP:	Bath Twp.
EXISTING ZONING	Agriculture Preservation District (AG-P) / Mini-Agriculture District (M-AG)
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) / Heavy Industrial District (H-I) / Rural Urban District (RU)
PUBLIC UTILITIES:	WEB Water; Northern Electric Coop
REPORTED BY:	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Rezone to bring these parcels into compliance for their current use as required by the Planning Commission stipulation from the "Jones-Wright Addition" plat approved during the May 2024 meeting.

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 Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: TC Wright Trust / Dennis Jones / Chad & Jean Ferguson

Description of property: Lot 1 & 2, "Wright Third Subdivision" in the NE1/4 of Section 7-T123N-R62W and Lot 1 & 2, "Jones-Wright Addition" in the E1/2 of Section-T123N-R62W, all of the 5th P.M., Brown County, South Dakota (13121, 13145, 13149, 13153 395th Avenue, Bath Twp.).

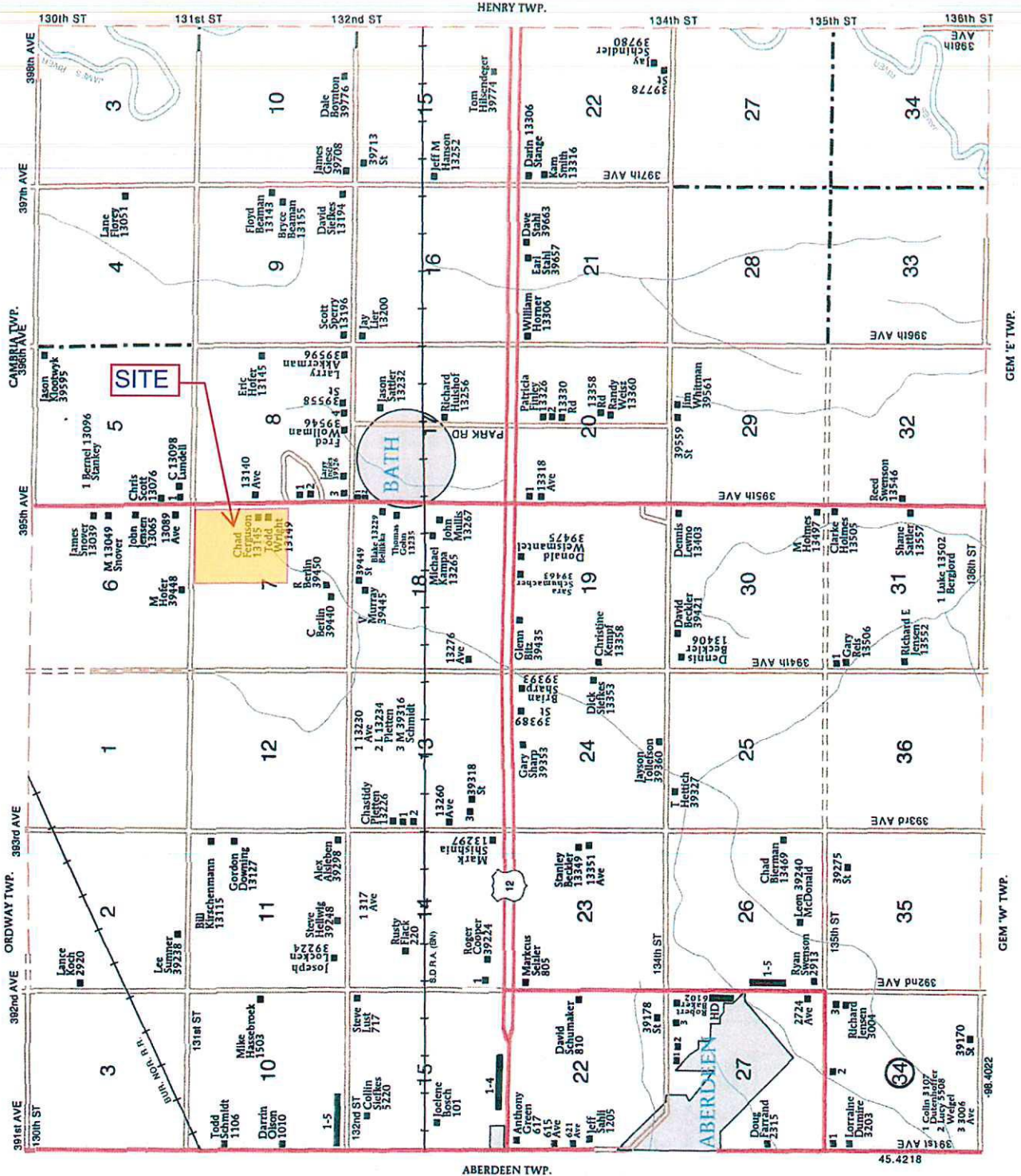
Reason: Rezone 3 parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) and 1 parcel from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) to bring these parcels into compliance for their current use.

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 5th day of June 2024.

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 Haugen, James 13164
- 2 Kroil, John 13174
- 3 Monson, Steve 39510
- 4 Bruckner, David 39554
- SECTION 10W**
- 1 Bornemann, Kylie 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, Melynn 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 Belittka, Daryl 2111
- 2 Kohhaas, Paul 2135
- 3 Grlese, Doug 2215
- 4 Bjorklund, Richard 2317
- 5 Paulson, David 2519
- SECTION 27W**
- 1 Caton, Caleb 5256
- 2 Johnson, K 5950

REZONE PETITION

Brown County Commission
25 Market Street
Aberdeen, SD 57401

Petition No: _____
Date: _____
Receipt: 821981
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

I/We the undersigned, do hereby petition the Board of County Commissioner's in Brown County, South Dakota to Rezone four (4) platted parcels as follows:

Legal Descriptions:

- 1) AG-P to M-AG for Lot 1 "Wright Third Subd." in the NE1/4 Sect. 7-T123N-R62W
- 2) AG-P to M-AG for Lot 2 "Wright Third Subd." in the NE1/4 Sect. 7-T123N-R62W
- 3) AG-P to M-AG for Lot 2 "Jones-Wright Add." in the E1/2 of Sect. 7-T123N-R62W
- 4) M-AG to AG-P for Lot 1 "Jones-Wright Add." in the E1/2 of Sect. 7-T123N-R62W

Street Addresses:

- 1) 13149 395th Ave Bath, SD 57427; Lot 1 "Wright Third Subd."
- 2) 13145 395th Ave Bath, SD 57427; Lot 2 "Wright Third Subd."
- 3) 13153 395th Ave Bath, SD 57427; Lot 2 "Jones-Wright Add."
- 4) 13121 395th Ave Bath, SD 57427; Lot 1 "Jones-Wright Add."

Existing Land Uses with sizes of parcels in acres:

- 1) M-AG District with 11.19± acres.
- 2) M-AG District with 2.58 ± acres.
- 3) M-AG & AG-P District with 9.03± acres.
- 4) M-AG & AG-P District with 165.98 ± acres.

Purpose for Rezone: bring platted parcels into compliance for their proposed use.

Petitioner: (Print) TC Wright Trust - Todd & Connie Wright
 Signature: *Todd Wright*
 Date: 5-3-24 Phone: 605-228-5004 (Todd)
 Address: 13149 395th Avenue
Bath SD 57427
 City State Zip

Petitioner: (Print) Dennis Jones
 Signature: *Dennis Jones POA*
 Date: 5/29/24 Phone: 605-380-0887
 Address: 12954 396th Avenue
Bath SD 57427
 City State Zip

Petitioner: (Print) Chad & Jean Ferguson
 Signature: *Chad Ferguson*
 Date: 5-3-24 Phone: 605-380-5449
 Address: 13145 395th Avenue
Bath SD 57427
 City State Zip

Petitioner: (Print) _____
 Signature: _____
 Date: _____ Phone: _____
 Address: _____

 City State Zip

PLAT SHOWING

JONES-WRIGHT ADDITION

IN THE E1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 62 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, William Wulff, Trustee of the Revocable Trust of William H Wulff, dated November 14, 2008, do hereby certify that the Revocable Trust is the owner of Lot 1, Wulff First Subdivision in the Southeast Quarter (SE1/4) of Section Seven (7), Township One Hundred Twenty-Three (123) North, Range Sixty-Two (62) West of the 5th P.M., Brown County, South Dakota, and that I, as Trustee, have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

**"JONES-WRIGHT ADDITION IN THE E1/2 OF SECTION 7,
TOWNSHIP 123 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.

By this plat, I, William Wulff, Trustee of the Revocable Trust of William H Wulff, dated November 14, 2008, do hereby VACATE Lot 1, Wulff First Subdivision in the Southeast Quarter (SE1/4) of Section Seven (7), Township One Hundred Twenty-Three (123) North, Range Sixty-Two (62) West of the 5th P.M., Brown County, South Dakota as filed for record on April 7, 2006 at 1:46 P.M., and duly recorded as Hanging Plat No. 2207H.

Owner: **Revocable Trust of William H Wulff, dated November 14, 2008**

William Wulff, Trustee Signed this _____ day of _____, 20____.

COUNTY OF _____)
STATE OF _____) SS

On this the _____ day of _____, 20____, before me, _____, the undersigned officer, personally appeared **William Wulff**, Trustee of the Revocable Trust of William H Wulff, dated November 14, 2008, known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

My Commission Expires: _____
Notary Public

OWNER'S CERTIFICATE

I, Dennis O. Jones, do hereby certify that I am the owner of the Northeast Quarter (NE1/4), excluding Lot 1, Wrights Subdivision (since Vacated and now Lots 1 and 2, Wrights Third Subdivision) of Section Seven (7), Township One Hundred Twenty-Three (123) North, Range Sixty-Two (62) West of the 5th P.M., 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 hereinafter known and described as:

**"JONES-WRIGHT ADDITION IN THE E1/2 OF SECTION 7,
TOWNSHIP 123 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: **Dennis O. Jones**

Signature Signed this _____ day of _____, 20____.

COUNTY OF _____)
STATE OF _____) SS

On this the _____ day of _____, 20____, before me, _____, the undersigned officer, personally appeared **Dennis O. Jones**, known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

My Commission Expires: _____
Notary Public

PLAT SHOWING

JONES-WRIGHT ADDITION

IN THE E1/2 OF SECTION 7, TOWNSHIP 123 NORTH, RANGE 62 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:

**"JONES-WRIGHT ADDITION IN THE E1/2 OF SECTION 7,
TOWNSHIP 123 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:

**"JONES-WRIGHT ADDITION IN THE E1/2 OF SECTION 7,
TOWNSHIP 123 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."

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

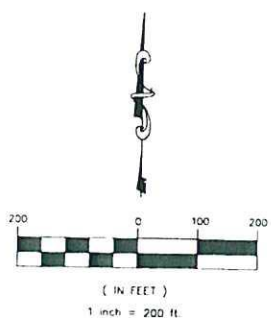
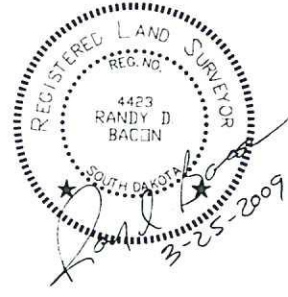
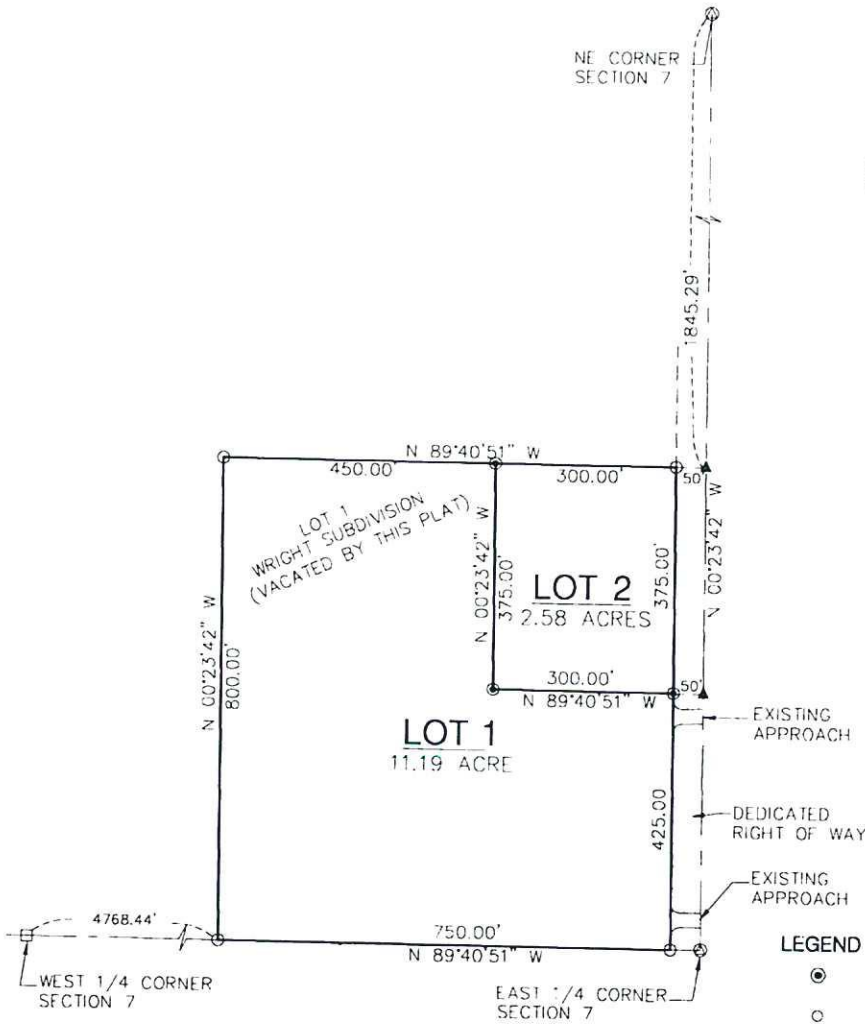
Plat No. _____.

Register of Deeds
Brown County, South Dakota

Consent B4MR/650

A-4878

**PLAT OF
WRIGHT THIRD SUBDIVISION
IN THE NE 1/4 OF SECTION 7 - T123N - R62W
OF THE 5th P.M., BROWN, SOUTH DAKOTA**



LEGEND

- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
- FOUND 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
- ⊗ FOUND SPIKE AND WASHER STAMPED BACON RLS 4423
- FOUND GRANITE SHAFT MONUMENT
- ▲ CALCULATED POSITION

BASIS OF BEARINGS

GPS OBSERVATION

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

DWG. 4878-LS	BY: TMO	SHEET 1 OF 2
--------------	---------	--------------

**PLAT OF WRIGHT THIRD SUBDIVISION IN
THE NE 1/4 OF SECTION 7 - T123N - R62W OF THE
5TH P.M. BROWN COUNTY, SOUTH DAKOTA**

A-4678

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF TODD R. WRIGHT AND CONNIE S. WRIGHT AS OWNER(S), AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO MARCH 23, 2009, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: WRIGHT THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 7-1123N-R62W 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 25 DAY OF March, 2009

Randy D. Bacon
RANDY D. BACON RLS #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNER(S) OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATED SHALL HEREAFTER BE KNOWN AS WRIGHT THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 7-1123N-R62W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS 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 HERETO SET MY HAND THIS 2 DAY OF April, 2009

Todd R. Wright
TODD R. WRIGHT
Connie S. Wright
CONNIE S. WRIGHT

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS THAT (WE) THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF WRIGHT SUBDIVISION, AS RECORDED AS PLAT 1115E, ON JUNE 20, 1997 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE. THIS IN WITNESS WHEREOF I HAVE HERETO SET MY HAND THIS 2 DAY OF April, 2009

Todd R. Wright
TODD R. WRIGHT
Connie S. Wright
CONNIE S. WRIGHT

ACKNOWLEDGMENT

STATE OF SD)
COUNTY OF BROWN)
ON THIS THE 2 DAY OF April, 2009 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED TODD R. WRIGHT AND CONNIE S. WRIGHT KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.
IN WITNESS WHEREOF I HERETO SET MY HAND AND OFFICIAL SEAL.

Sara Hagman
NOTARY PUBLIC, BROWN COUNTY
MY COMMISSION EXPIRES: SEPTEMBER 6, 2013

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 21 DAY OF April, 2009

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING WRIGHT THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 7-1123N-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."

St. H. Bule
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 28 DAY OF April, 2009

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING WRIGHT THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 7-1123N-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."

Melvin Taylor
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATION

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

BY *Scott Sperry*
TITLE: COUNTY HIGHWAY AUTHORITY

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS 3 DAY OF April, 2009

Sara Hagman
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

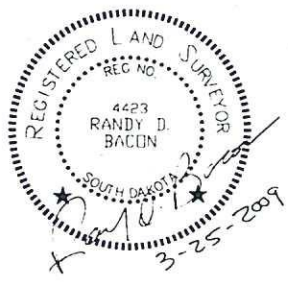
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID.
SIGNED THIS 21 DAY OF April, 2009

Loene Borchert Co. Deputy Treas.
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

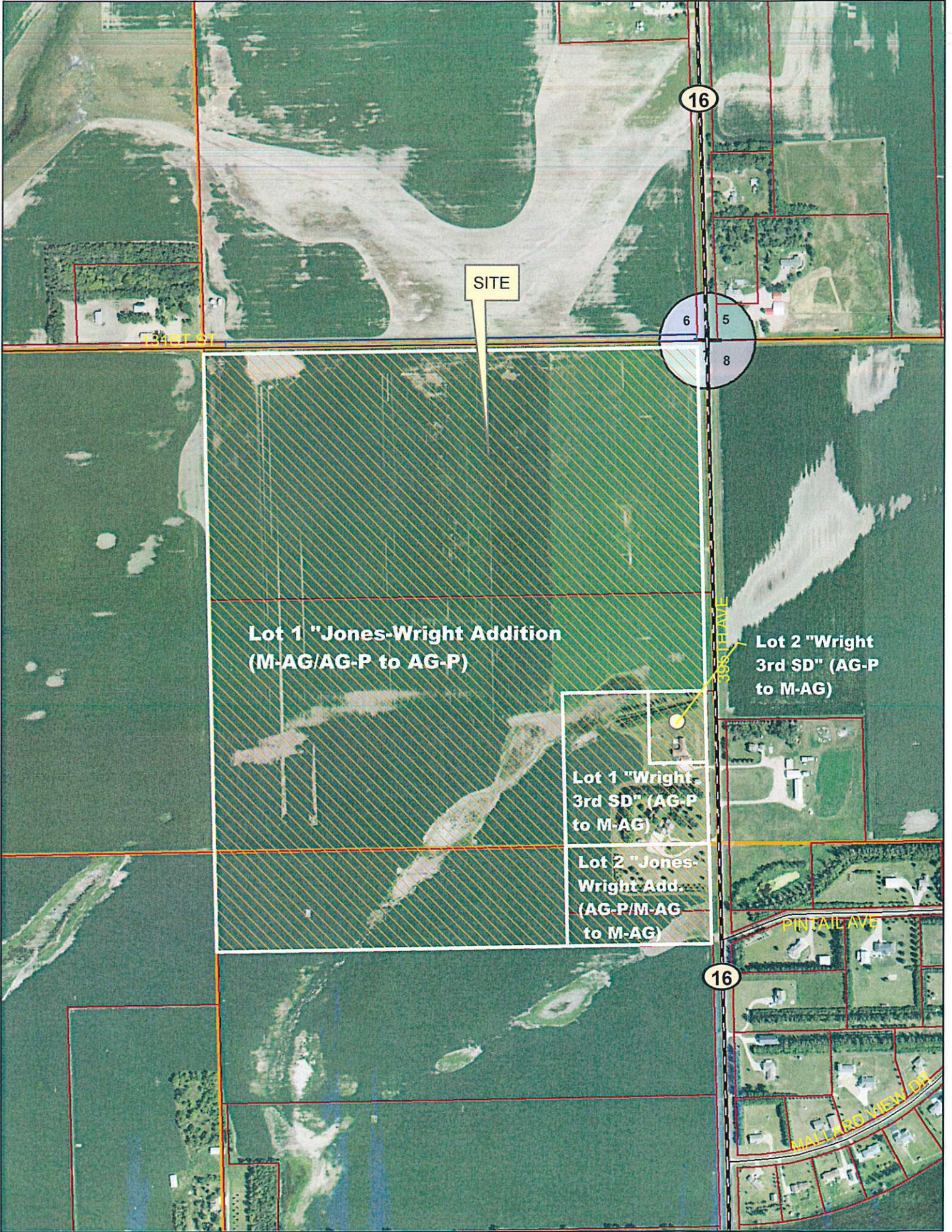
REGISTER OF DEEDS CERTIFICATE

I FILED FOR RECORD THIS 7 DAY OF May, 2009 AT 12:30 O'CLOCK PM, AND DULY RECORDED IN AS PLATS NO. 2552 H THEREIN.

Carol Sherman (S. Indemann) Clerk
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA



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



SITE

Lot 1 "Jones-Wright Addition
(M-AG/AG-P to AG-P)

Lot 2 "Wright
3rd SD" (AG-P
to M-AG)

Lot 1 "Wright
3rd SD" (AG-P
to M-AG)

Lot 2 "Jones-
Wright Add.
(AG-P/M-AG
to M-AG)

16

16

6

5

8

PINTAIL AVE

MALLARD VIEW DR

3961 FLAVEL

Todd & Connie Wright

13149 395th Avenue
Bath, SD 57427

Kampa Family Land LLLP

13943 401st Avenue
Groton, SD 57445

Dennis Jones

12954 396th Avenue
Bath, SD 57427

Chad & Jean Ferguson

13145 395th Avenue
Bath, SD 57427

Bath Township

Attn: David Bruckner
39554 132nd Street
Bath, SD 57427

Edward & Margaret Hofer

39448 131st Street
Bath, SD 57427

Kenneth & Dianna Shafer

39501 Pintail Avenue
Bath, SD 57427

Eric & Deeann Hofer

6639 Pendo Road
Spearfish, SD 57783

Scott & Caroline Lundell

13098 395th Avenue
Bath, SD 57427

John Kippley

38819 126th Street
Aberdeen, SD 57401

**Specialty Manufacturing
Company**

PO Box 517
Bath, SD 57427

**AFFIDAVIT OF
PUBLICATION**

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County
Wright Rezoning Application
Published June 5, 2024 for \$14.72
Invoice No. 23353**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

10th Day of June 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Shawn Gengerke
Legal description of property: "Shawn Gengerke's Outlot 1" in the NW1/4 of Section 19-T124N-R60W of the 5th P.M., Brown County, South Dakota (40505 127th Street; Riverside Twp.).
Reason: A Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.26 may be viewed free of charge at www.sdpublishnotices.com. 23347



NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: TC Wright Trust / Dennis Jones / Chad & Jean Ferguson

Description of property: Lot 1 & 2, "Wright Third Subdivision" in the NE1/4 of Section 7-T123N-R62W and Lot 1 & 2, "Jones-Wright Addition" in the E1/2 of Section-T123N-R62W, all of the 5th P.M., Brown County, South Dakota (13121, 13145, 13149, 13153 395th Avenue, Bath Twp.).

Reason: Rezone 3 parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) and 1 parcel from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) to bring these parcels into compliance for their 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 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at www.sdpublishnotices.com. 23353

Weekly SUDOKU

Answer

2	6	9	4	8	7	3	1	5
3	1	7	2	9	5	4	8	6
8	4	5	3	6	1	2	7	9
9	2	1	5	7	8	6	4	3
5	3	8	6	2	4	7	9	1
6	7	1	8	1	2	3	5	9



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a **CONDITIONAL USE PETITION (CUP)**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: WEB Water Development Association, Eric Hansen
Legal description of property: Lot 2, "WEB Water Development 1st Subdivision" in the N1/2 of Section 21-T123N-R64W of the 5th P.M., Brown County, South Dakota (38456 Hwy 12 West; Aberdeen Twp.).
Reason: A Conditional Use Petition (CUP) to put up a 40' x 80' pole barn for cold storage in a Heavy Industrial District (H-I).

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.57 may be viewed free of charge at www.sdpublishnotices.com. 23348

King Crossword

Answers

Solution time: 21 mins.

E	A	R	T	E	G	R	A	B	S		
A	N	N	U	L	S	O	O	Z	I	E	R
P	R	A	N	K	S	L	O	O	K	I	O
S	I	L	E	N	E	R	I	S	I	S	
E	C	O	N	N	O	B	E	R	A	I	F
S	O	R	E	N	B	A	O	P	I	P	E
					R	I	B	G	I	S	
S	A	N	D	B	A	G	F	O	S	S	E
P	L	O	Y	G	O	D	M	C	A	T	
A	L	S		S	N	O	W	S	H	M	O
N	O	T	T	O		E	A	S	E	O	N
S	T	R	O	L	L		L	A	N	M	A
S	I	A	V	E	D		T	E	X	A	N

ACROSS

- 1 Haunting
- 6 Seizes
- 11 Cancels
- 12 More apt to seep
- 14 April 1 gags
- 15 Consult
- 16 Scrooge por-trayer Alastair
- 17 Feudal work-ers
- 19 Oahu, for one (Abbr.)
- 20 Nobel Prize subj.
- 22 San Francis-co's – Hill
- 23 Sufficient, informally
- 24 Philosopher Kierkegaard
- 26 Droning reed
- 28 Tease
- 30 USO patrons
- 31 Flood protec-tion
- 35 "Cabaret" director Bob
- 39 Tactic
- 40 Pantheon member
- 42 Future doc's exam
- 43 Gore and Green
- 44 Bamboozles
- 46 Med. plan option

1	2	3	4	5	6	7	8	9	10	
11						12			13	
14						15				
16			17		18			19		
20		21		22				23		
24				25		26		27		
				28		29		30		
31	32	33			34		35	36	37	38
39					40		41		42	
43				44			45		46	
47			48				49		50	
51								52		
				53				54		

- 6 Course load?
- 7 Aussie hop-pers
- 8 Dye type
- 9 Two-piece suit
- 10 Establishes
- 11 Basilica areas
- 13 Husband of Pocahontas
- 18 Fermi
- 21 Hardly hip
- 23 – salts
- 24 Sorts
- 25 Pen tip
- 27 Computer image, briefly
- 29 Novelist Enid
- 31 Bridges
- 32 Doles out
- 33 Cosa –
- 34 Sticky stuff
- 36 Blueprint, e.g.
- 37 Pacific islander
- 38 Short jackets
- 41 Resided
- 44 Only
- 45 Auction
- 48 "Mazel –!"
- 50 Jazz band instrument

DOWN

- 1 Physicist
- 2 Captivate
- 3 Skeddadle
- 4 Sorts
- 5 Ruhr Valley city

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King Crossword



NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for an **APPEAL OF STANDARD APPROACH WIDTHS**. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner / Owner: Troy & Rebecca Woehl
Description of property: Proposed Lot 9, "Howling Woods Subdivision" in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (2435 Howling Woods Lane; Aberdeen Twp.).
Reason: Variance to Frontage Width in a M-AG District to allow proposed Lot 9 to have a frontage width of 130.71' rather than the minimum 200' required by Brown County Ordinances.

The public is invited to attend the hearing to present comments and testimony regarding the proposed Variance to Lot Size request.
Dated this 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$12.88 may be viewed free of charge at www.sdpublishnotices.com. 23350



NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on June 18, 2024, at 7:00 P.M.

Petitioner: Arlene Webb
Description of property: Proposed Lot 1, "Beving-Webb Addition" in the SE1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue; Merder 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 5th day of June 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$13.18 may be viewed free of charge at www.sdpublishnotices.com. 23351

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published June 5, 2024, at the total approximate cost of \$14.72 may be viewed free of charge at www.sdpublishnotices.com. 23352

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STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM #12

GENERAL INFORMATION:

OWNER:	Arlene Webb-Stanley
PETITIONER:	Arlene Webb-Stanley
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"Beving-Webb Addition" in the SE1/4 of Section 13-T123N-R65W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	13291 382 nd Avenue
CITY/TOWNSHIP:	Mercier 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:	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for financial and conveyance purposes.

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Beving-Webb Additon

LEGAL SECTION: QUARTER: SE1/4 SECTION: 13 TOWNSHIP: 123 RANGE: 65

MANDATORY LOTS: 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Aberdeen 06-1

UTILITIES: WEB Water; Northern Electric Coop

OWNERS NAMES: Arlene Webb-Stanley

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: \$150.00 DATE PAID: 05 / 20 / 2024

RECEIVED BY PLANNING DEPARTMENT: 05 / 20 / 2024 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: May 20, 2024
RECEIPT # 821964
TOWNSHIP: Mercier Twp

FEE: \$150.00
PAID: YES/NO CHK/CASH
DATE: May 21, 2024

OWNERS NAME (print): Arlene Webb-Stanley
OWNERS SIGNATURE: Arlene Webb-Stanley
OWNERS ADDRESS: 37966 133rd Street
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-380-0485
OWNERS EMAIL: _____

AGENTS NAME (print): _____
AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____
AGENTS EMAIL: _____

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Beving-Webb Addition" in the SE1/4 of Section
33-T123N-R65W of the 5th P.M., Brown County, South Dakota
(1329) 382ND AVE.; Mercier Twp.)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

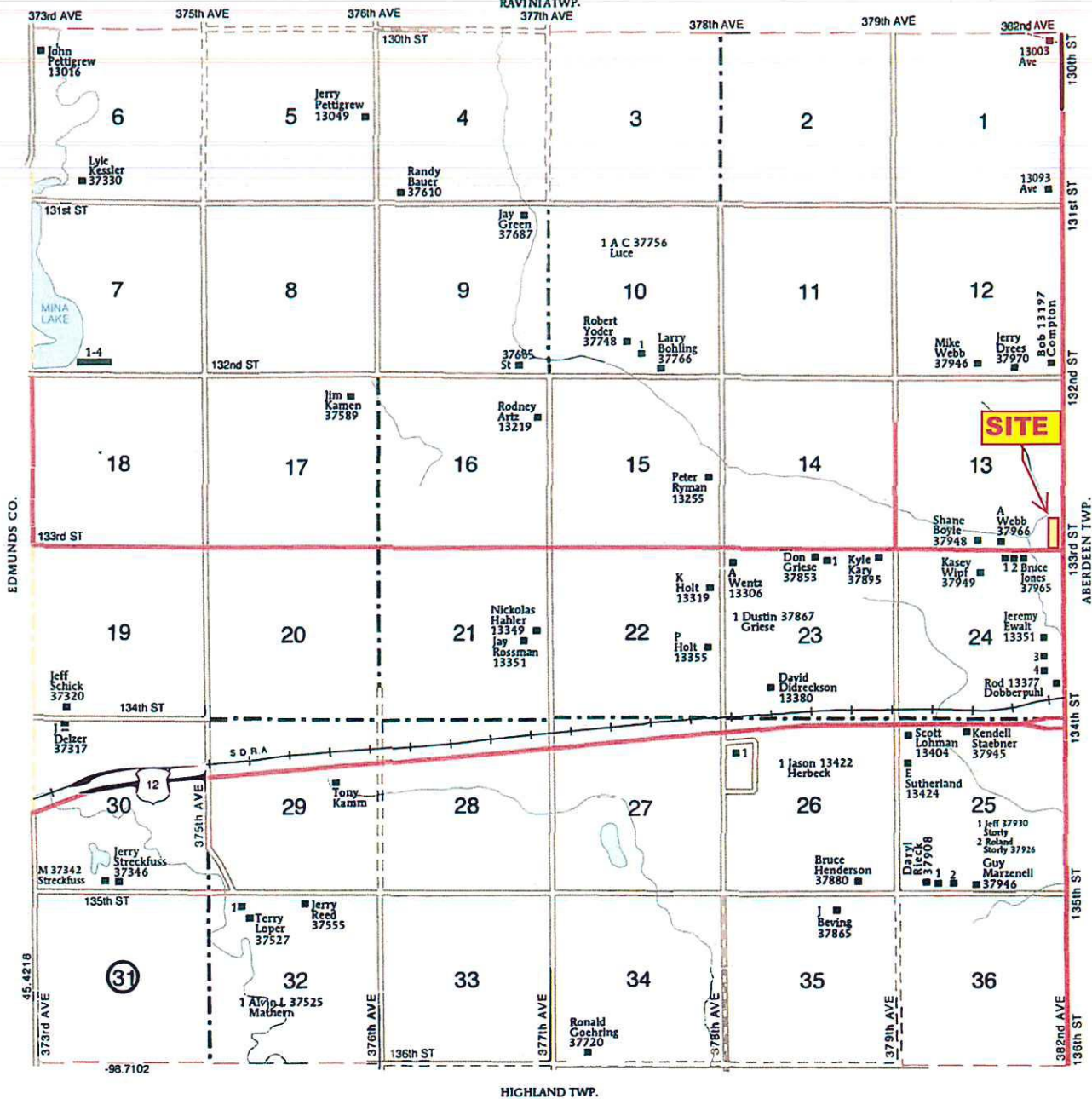
HEARING DATE: JUNE 18,
~~May 20,~~ 2024 TIME: 7:00 pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • www.brown.sd.us • email: Scott.Bader@browncounty.sd.gov

(Residents - Owners or Renters)



MERCIER TOWNSHIP

SECTION 7

- 1 Bauer, Bryan 37302
- 2 Davis, I 37306
- 3 Salo, Roger 37310
- 4 Dykema, Wade 37320

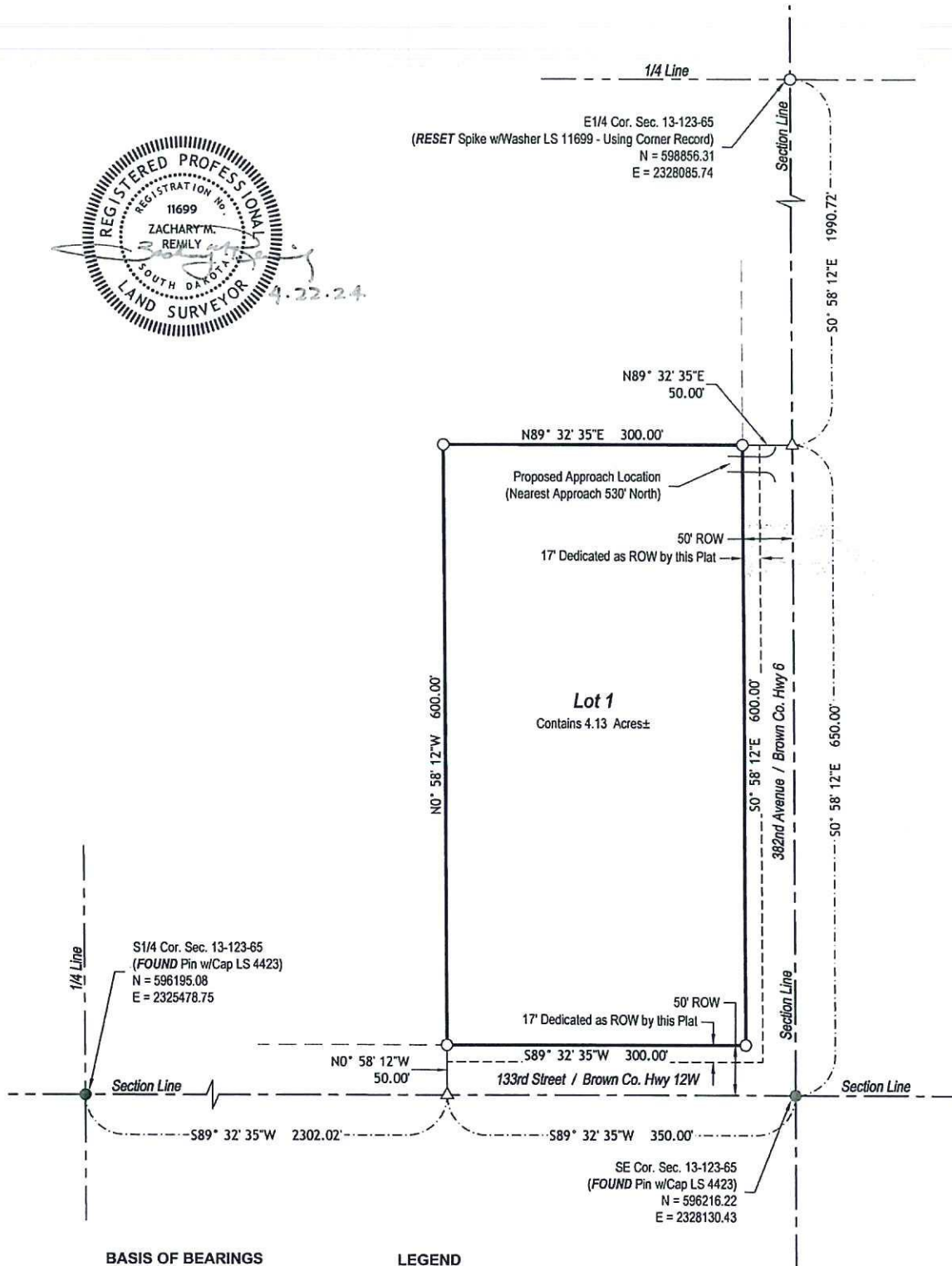
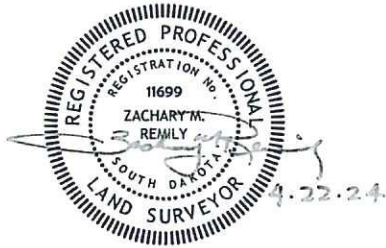
SECTION 24

- 1 Hehn, Robert 37961
- 2 Jones, Jamle 37963
- 3 Zinter, Daniel 13365
- 4 Hammer, Leland 13371

PLAT SHOWING

BEVING-WEBB ADDITION

IN THE SE1/4 OF SECTION 13, TOWNSHIP 123 NORTH, RANGE 65 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



NORTH
SHEET 1 OF 3



619 14th Avenue S, Faulkton, South Dakota 57438
Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
Project No. ALS23035 Field Survey Date: 04-12-2024

PLAT SHOWING

BEVING-WEBB ADDITION

IN THE SE1/4 OF SECTION 13, TOWNSHIP 123 NORTH, RANGE 65 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, Arlene P. Webb-Stanley, do hereby certify that I am the owner of the Southeast Quarter (SE1/4) of Section Thirteen (13), except Vilhauer Outlot 1, Township One Hundred Twenty-Three (123) North, Range Sixty-Five (65) 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:

**"BEVING-WEBB ADDITION IN THE SE1/4 OF SECTION 13,
TOWNSHIP 123 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.

By this plat, I, **Arlene P. Webb-Stanley** do hereby dedicate the 17' parallel and adjacent to the 33' Section Line right-of-way along Brown County Highway 12W AND Brown County Highway 6 as shown on the attached plat, to the County for Highway Right-of-Way purposes.

Owner: **Arlene P. Webb-Stanley**

Arlene P. Webb-Stanley
Signature

Signed this 20th day of May, 2024.

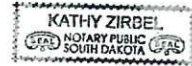
COUNTY OF Brown)
STATE OF South Dakota) SS

On this the 20th day of May, 2024, before me, Kathy Zichel, the undersigned officer, personally appeared **Arlene P. Webb-Stanley**, known to me or satisfactorily proven to be the person who, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

My Commission Expires: March 17, 2029

Kathy Zichel
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:

**"BEVING-WEBB ADDITION IN THE SE1/4 OF SECTION 13,
TOWNSHIP 123 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.

Zachary M. Remily
ZACHARY M. REMILY, LS 11689

Signed this 22nd day of April, 2024.

HIGHWAY APPROVAL

"Proposed Access to **BROWN COUNTY HIGHWAY 6** 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____.

PLAT SHOWING

BEVING-WEBB ADDITION

IN THE SE1/4 OF SECTION 13, TOWNSHIP 123 NORTH, RANGE 65 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:

**"BEVING-WEBB ADDITION IN THE SE1/4 OF SECTION 13,
TOWNSHIP 123 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.

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:

**"BEVING-WEBB ADDITION IN THE SE1/4 OF SECTION 13,
TOWNSHIP 123 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 records of my office to be fully paid.

Signed this 20th day of May, 2024.

Naumiter

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



382ND ST

12 7
13 18

06

382ND AVE

SITE

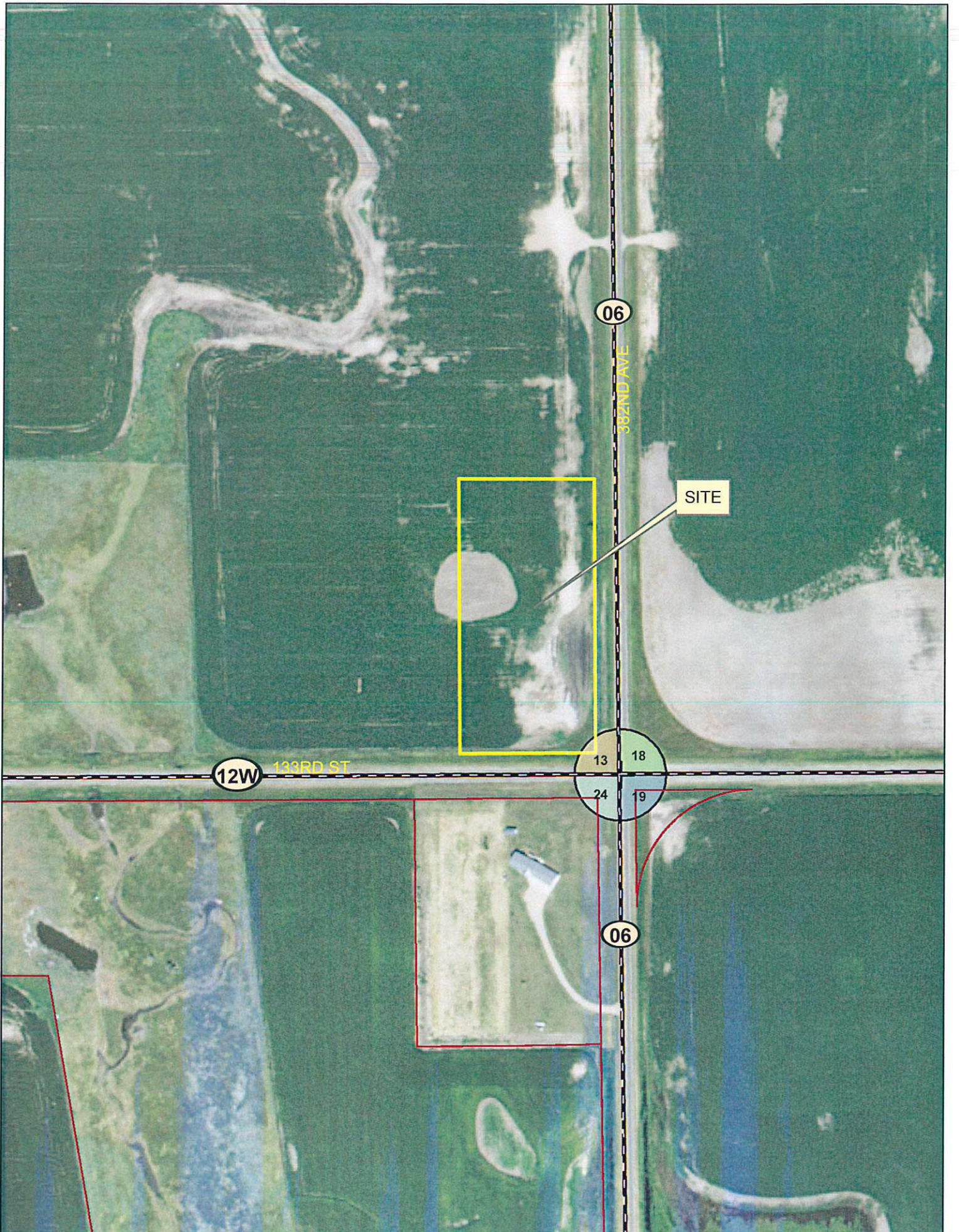
12W

183RD ST

18
24 18

06

South Dakota
State Railroad



STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM #13

GENERAL INFORMATION:

OWNER:	Marvin & Gweneth Hansen Family Trust
PETITIONER:	Shelly Schwab - P.O.A.
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"Marvin and Gweneth Hansen First Addition" in the NW1/4 of the NE1/4 of Section 6-T128N-R61W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	40055 100 th Street
CITY/TOWNSHIP:	Liberty Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Non-County (NC)
South:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	Unknown
REPORTED BY:	Scott Bader

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: Marvin and Gweneth Hansen First Addition

LEGAL SECTION: QUARTER: NE1/4 SECTION: 6 TOWNSHIP: 128 RANGE: 61

MANDATORY LOTS: 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Britton-Hecla

UTILITIES: Unknown

OWNERS NAMES: Marvin and Gweneth Hansen Family Trust

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

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

PLAT FEE PER PLAT: \$150.00 DATE PAID: 5 / 23 / 20 24

RECEIVED BY PLANNING DEPARTMENT: 5 / 23 / 20 24 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE X FINANCIAL PURPOSES X 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: X

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: May 24, 2024
RECEIPT # 821965
TOWNSHIP: Liberty Twp

FEE: \$150.00
PAID: YES/NO CHK/CASH
DATE: 5/23/2024

OWNERS NAME (print): Marvin and Gweneth Hansen Family Trust / Shelly Schwab, P.O.A.
OWNERS SIGNATURE: _____
OWNERS ADDRESS: 7305 124th Avenue SE
OWNERS CITY, STATE, ZIP: Englevale, ND 58033
OWNERS PHONE: 701-680-1347 (Shelly)
OWNERS EMAIL: _____

AGENTS NAME (print): Shelly Schwab POA daughter
AGENTS SIGNATURE: Shelly Schwab
AGENTS ADDRESS: 7305 124th Ave SE
AGENTS CITY, STATE, ZIP: Englevale, ND 58033
AGENTS PHONE: 701-680-1347
AGENTS EMAIL: sgsavon@drtel.net

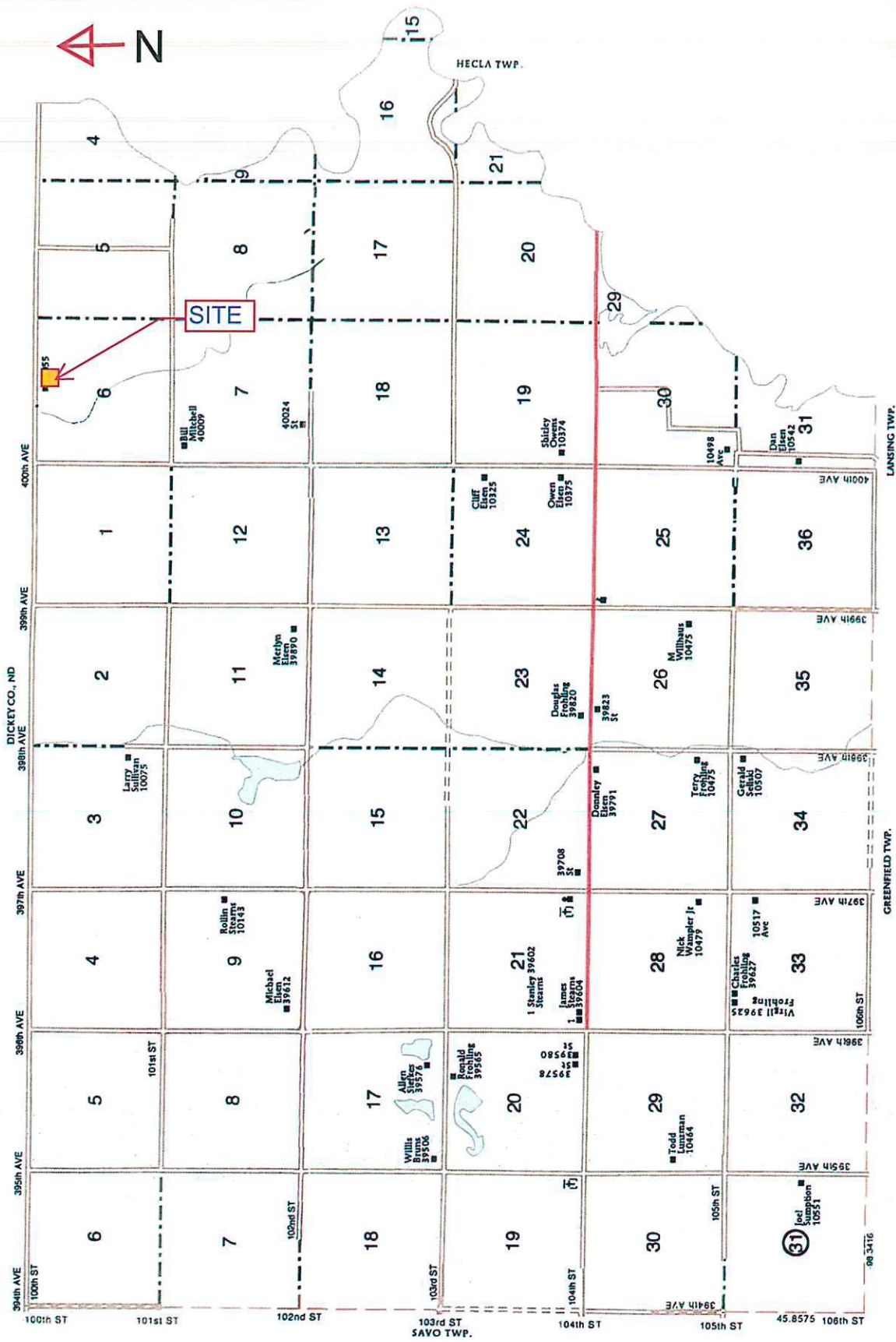
REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Marvin and Gweneth Hansen First Addition" in the NW1/4 of the NE1/4 of Section 6-T128N-R61W of the 5th P.M., Brown County, South Dakota (40055 100th Street; Liberty Twp.)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

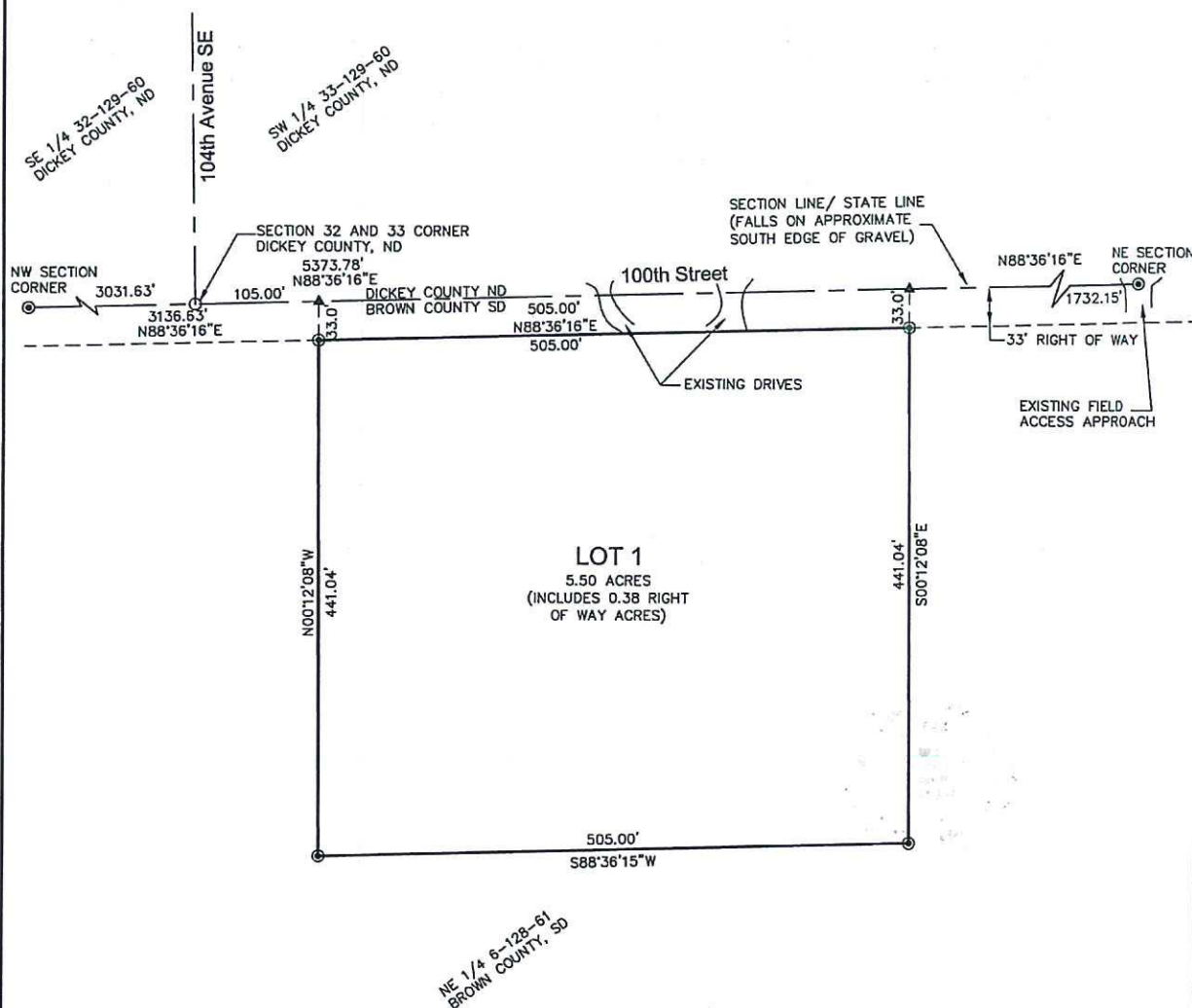
HEARING DATE: June 18, 2024 TIME: 7:00 pm



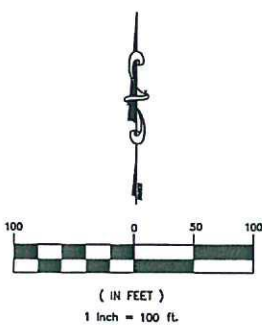
PLAT OF

A-9632-1

MARVIN AND GWENETH HANSEN FIRST ADDITION
 IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA



NE 1/4 6-128-61
 BROWN COUNTY, SD



- LEGEND**
- FOUND PROPERTY CORNER
 - ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
 - SET 3" SPIKE W/ WASHER STAMPED KIESO RLS 9214
 - ▲ CALCULATED POSITION



BASIS OF BEARINGS
 SD STATE PLANE NORTH ZONE
 NAD 83 (2011) US SURVEY FEET
 DISTANCES ARE GROUND

Helms ASSOCIATES	416 PRODUCTION STREET N. P.O. Box 111 Aberdeen, S.D. 57401
	Phone: 605.225.1212 Fax: 605.225.3189
DWG. 9632-1	BY: BKK SHEET 1 OF 3

PLAT OF

A-9632-1

MARVIN AND GWENETH HANSEN FIRST ADDITION
IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, MARVIN AND GWENETH HANSEN FAMILY TRUST, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF NE 1/4 OF SECTION 6 T128N R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS: MARVIN AND GWENETH HANSEN FIRST ADDITION IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

MARVIN AND GWENETH HANSEN FAMILY TRUST

Shelly Schwab
SHELLY SCHWAB P.O.A.

Signed this 23 day of May, 2024

ACKNOWLEDGMENT

STATE OF North Dakota
COUNTY OF Dickey SS

ON THIS THE 23 DAY OF May, 2024 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED SHELLY SCHWAB KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

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

MY COMMISSION EXPIRES: 4/27/27

[Signature]
NOTARY PUBLIC



SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "MARVIN AND GWENETH HANSEN FIRST ADDITION IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W 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 15th DAY OF May, 2024

[Signature]
ROBERT K. KIESO RLS #9214

PLAT OF

A-9632-1

MARVIN AND GWENETH HANSEN FIRST ADDITION
IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

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 MARVIN AND GWENETH HANSEN FIRST ADDITION IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W 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 MARVIN AND GWENETH HANSEN FIRST ADDITION IN THE NW 1/4 NE 1/4 OF SECTION 6-T128N-R61W 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

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY/TOWNSHIP 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: _____

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

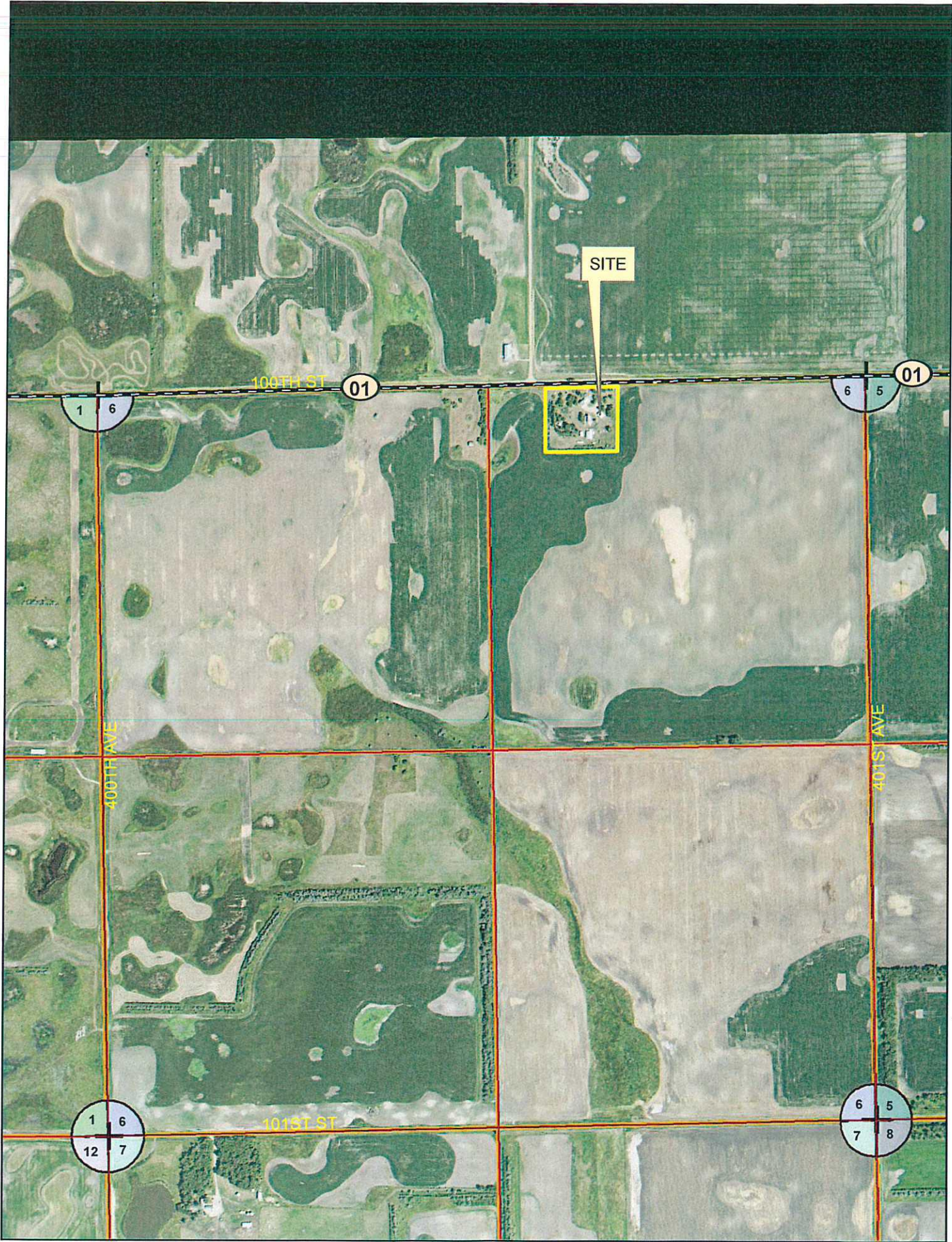
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

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

100TH ST

01

01

1 6

6 5

400TH AVE

401ST AVE

101ST ST

1 6
12 7

6 5
7 8



STAFF REPORT

Meeting: June 18, 2024

BROWN COUNTY PLANNING COMMISSION

FINAL PLAT

ITEM #14

GENERAL INFORMATION:

OWNER:	Troy & Rebecca Woehl
PETITIONER:	Troy & Rebecca Woehl
REQUEST:	FINAL PLAT
LEGAL DESCRIPTION:	"Howling Woods Subdivision" in the SW1/4 of Section 22-T123N-R64W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	Approx. 1493 South 385 th Avenue
CITY/TOWNSHIP:	Aberdeen 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:	Mini-Agriculture District (M-AG)
PUBLIC UTILITIES:	WEB Water approved 14-16 lots.
REPORTED BY:	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Final Plat for development and conveyance purposes.

GENERAL REVIEW: Staff has reviewed this plat. The landowner on the west side of 385th Avenue and Scott Bader for the zoning office, have checked with Game, Fish & Parks Office about their existing hunting privileges. The landowner wanted to know if they would still be able to hunt ducks, pheasants and deer, if this subdivision would be approved. Once a house is built, they would be required to maintain a minimum of 660' from that property. There would not be any "grandfathering" for the landowner on their own property. They also commented that there would be a lot more dust from increased traffic if approved.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Howling Woods Subdivision

LEGAL SECTION: QUARTER: SW1/4 SECTION: _____ TOWNSHIP: _____ RANGE: _____

MANDATORY LOTS: 1-16 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Aberdeen

UTILITIES: WEB Water; Northern Electric Coop; Septic Sewer Drainfield

OWNERS NAMES: Troy & Rebecca Woehl

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: \$150.00 DATE PAID: 05 / 16 / 2024

RECEIVED BY PLANNING DEPARTMENT: 05 / 16 / 20 24 BY: Scott Bader
(Submitted 02/15/24 for Preliminary review)

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: May 24, 2024
RECEIPT # 821972
TOWNSHIP: Aberdeen Twp

FEE: \$150.00
PAID: YES/NO CHK/CASH
DATE: May 30, 2024

OWNERS NAME (print): Troy & Rebecca Woehl
OWNERS SIGNATURE: Troy Woehl 5/30/24
OWNERS ADDRESS: 1749 Droog Court
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-380-4473
OWNERS EMAIL: _____

AGENTS NAME (print): _____
AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____
AGENTS EMAIL: _____

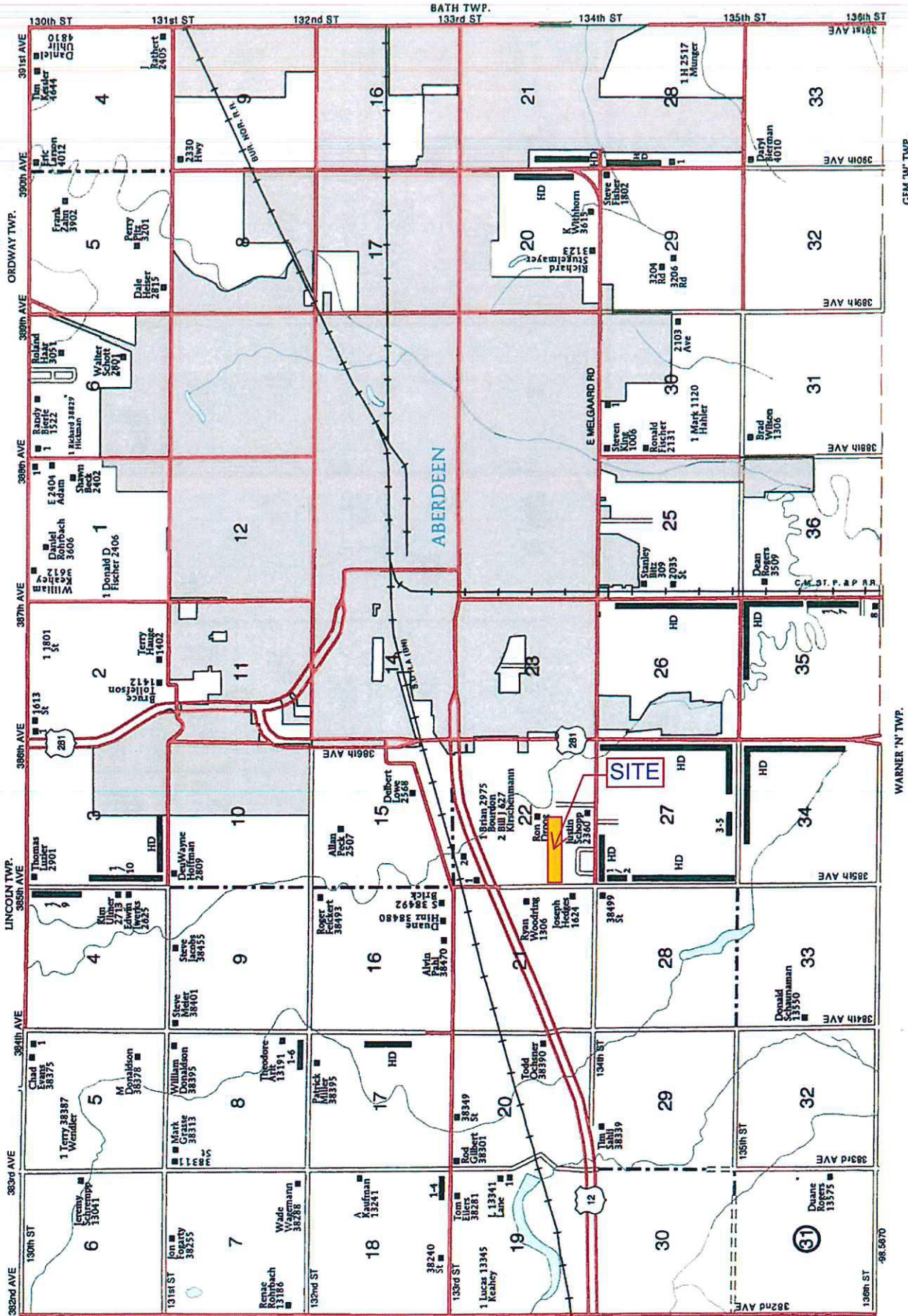
REQUEST: Final Plat

LEGAL DESCRIPTION: "Howling Woods Subdivision" in the SW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (Approx. 1493 385th Avenue; Aberdeen Twp.)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: June 18, 2024 TIME: 7:00 pm



SEE PAGE 21 FOR
ADDITIONAL NAMES NOT
LISTED ON MAPS.

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MERCIER TWP.

PLAT SHOWING HOWLING WOODS SUBDIVISION

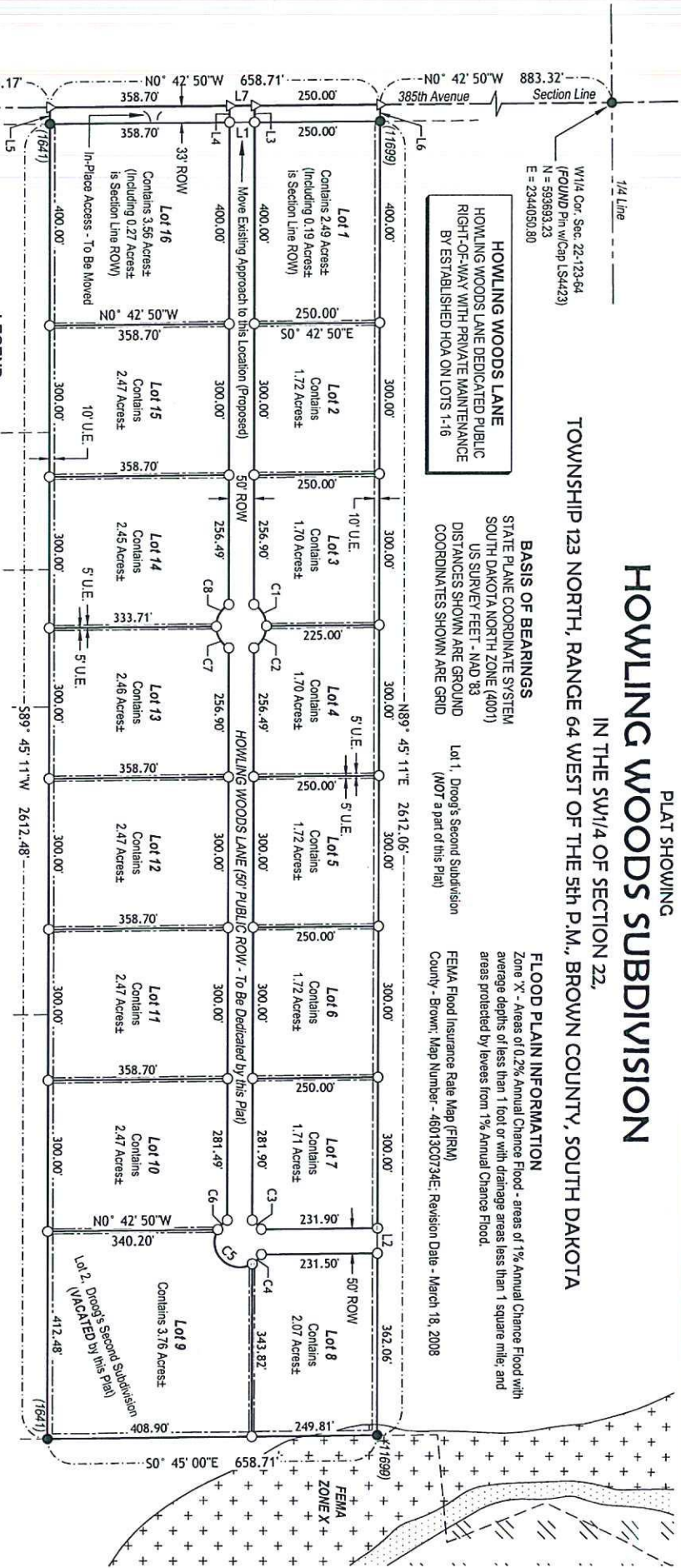
IN THE SW1/4 OF SECTION 22,
TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

HOWLING WOODS LANE
HOWLING WOODS LANE DEDICATED PUBLIC
RIGHT-OF-WAY WITH PRIVATE MAINTENANCE
BY ESTABLISHED HOA ON LOTS 1-16

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

Lot 1, Droog's Second Subdivision
(NOT a part of this Plat)

FLOOD PLAIN INFORMATION
Zone 'X' - Areas of 0.2% Annual Chance Flood - areas of 1% Annual Chance Flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% Annual Chance Flood.
FEMA Flood Insurance Rate Map (FIRM)
County - Brown, Map Number - 4801300734E, Revision Date - March 18, 2008



- LEGEND**
- PIN FOUND (AS NOTED)
 - PIN SET w/CAP US 11699 (FOUND Spike)
 - △ CALCULATED CORNER
 - U.E. UTILITY EASEMENTS (TYP.) - AS SHOWN (10' REAR - 5' SIDE)



LINE TABLE		
#	BEARING	DISTANCE
L1	N0°42'30"W	50.00'
L2	N89°45'11"E	50.00'
L3	S89°45'11"W	33.00'
L4	N89°45'11"E	33.00'
L5	S89°45'11"W	33.00'
L6	N89°45'11"E	33.00'
L7	N0°42'30"W	50.00'

CURVE TABLE					
#	LENGTH	RADIUS	DELTA ANGLE	CH	CL
C1	51.95'	50.00'	59°31'39"	S59°31'10"W	49.65'
C2	52.77'	50.00'	60°28'01"	N60°28'50"W	50.35'
C3	25.77'	50.00'	29°32'03"	S44°31'12"W	25.49'
C4	26.36'	50.00'	30°12'42"	N45°38'33"W	26.06'
C5	130.71'	50.00'	149°47'16"	N44°23'27"E	96.54'
C6	26.59'	50.00'	30°28'05"	S45°28'52"E	26.28'
C7	51.95'	50.00'	59°31'39"	N59°31'10"E	49.65'
C8	52.77'	50.00'	60°28'01"	S60°28'50"E	50.35'

Prepared By:
Assurance
LAND SURVEYING

619 14th Avenue S, Faulkton, South Dakota 57438
Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
Project No. ALS24012B Field Survey Date: 02-13-2024

PLAT SHOWING

HOWLING WOODS SUBDIVISION

IN THE SW1/4 OF SECTION 22,

TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

HIGHWAY APPROVAL

"Proposed Access to 385th STREET 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:

**"HOWLING WOODS SUBDIVISION IN THE SW1/4 OF SECTION 22,
TOWNSHIP 123 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:

**"HOWLING WOODS SUBDIVISION IN THE SW1/4 OF SECTION 22,
TOWNSHIP 123 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

MAY 28, 2024 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Fjeldheim, Gage, Sutton, and Wiese. Commissioner Dennert was absent. Commissioner Fjeldheim led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Commissioner Wiese moved to approve the agenda, with the addition of adding approve and authorize Chairman to sign MOU with LSS under Kelsi Vinger. Commissioner Gage seconded the motion. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT: None

ORDINANCE #268 – SECOND READING/ADOPTION:

Moved by Commissioner Wiese, seconded by Fjeldheim to adopt Ordinance #268. Applicant Pernell Graf, P.O.A. for Janet Graf to rezone from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Proposed Lot 1, “Graf First Addition” in the SW1/4 of Section 19-T127N-R60W of the 5th P.M., Brown County, South Dakota (10952 406th Avenue, North Detroit Twp.). All members present voting aye. Motion carried.

ORDINANCE #269 – SECOND READING/ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Wiese to adopt Ordinance #269. Applicants Daniel & Michelle Smith to rezone from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use: Lot 1 & Lot 2, “Bendewald Farm Subdivision” in the SE1/4 of Section 12-T122N-R65W of the 5th P.M., Brown County, South Dakota (13761 & 13767 382nd Avenue, Highland Twp.). All members present voting aye. Motion carried.

ORDINANCE #270 – SECOND READING/ADOPTION:

Moved by Commissioner Gage, seconded by Wiese to adopt Ordinance #270. Applicants Bill Kirschenmann to rezone from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use: Proposed Lot A & Lot B, “Leibel First Addition” in the NE1/4 of Section 11-T123N-R63W of the 5th P.M., Brown County, South Dakota (13115 393rd Avenue, Bath Twp.). All members present voting aye. Motion carried.

COURT RESOURCE HOME GRANT APPLICATION:

Kelsie Vinger, State’s Attorney met with the Commission to ask for approval to apply for the Court Resource Home Grant in the amount of \$30,000.00. This would be the third year for the program. They are still looking for families wanting to participate. Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Court Resource Home Grant Application in the amount of \$30,000.00. All members present voting aye. Motion carried.

RACIAL & ETHNIC GRANT APPLICATION:

Kelsie Vinger, State’s Attorney met with the Commission to ask for approval to apply for the Racial & Ethnic Grant in the amount of \$32,405.00. This would be the second year for the program and will continue to partner with NSU and having Court Diversional Opportunities. Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign the Racial & Ethnic Grant Application in the amount of \$32,405.00. All members present voting aye. Motion carried.

LUTHERAN SOCIAL SERVICES & COURT RESOURCE HOMES MEMORANDUM OF UNDERSTANDING:

Kelsi Vinger, State’s Attorney presented a Memorandum of Understanding (MOU) between Lutheran Social Services (LSS) and Court Resource Homes Grant. LSS will be the licensing agency and will hold licensing responsibilities for families that become Court Resource Homes. Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Memorandum of Understanding between Lutheran Social Services & Court Resource Homes Grant. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Commissioner Wiese, seconded by Gage to approve the following application submitted by WEB Water Development for occupancy of Brown County Highway Right of Ways for potable water line: Highway #5 in Section 6-T127-R63 of the 5th P.M. of Brown County, SD. All members present voting aye. Motion carried.

HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent gave the Commissioner's a Department Update. Dirk shared there will be some significant changes to the paving schedule: they can't keep doing it the way they've been doing it so will be doing more jobs that are closer to the Hot Mix Plants. Weather permitting will be chip sealing at Richmond tomorrow (Wednesday, May 29th). They are also mowing and patching.

MINUTES:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the May 21, 2024 General Meeting Minutes. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Gage, seconded by Wiese to approve the following claims: Insurance: Insurance Plus \$675.00. Professional Fees: Amazon Capital Services, Inc; \$122.24; Avera St. Luke's Hospital \$12,973.53; Healthstream, Inc \$1,928.50; IMEG Corp \$3,680.00; Northeastern Mental Health Center \$338.00; Sara Zahn \$64.65; Schneider Geospatial, LLC \$2,916.00; US Bank Visa \$65.00. Publishing: Midstates Group \$3,289.00; US Bank Visa \$733.80. Rentals: Advantage Self Storage \$276.00. Repairs & Maintenance: EcoLab Pest Elimination Division \$112.83; Fire Safety First LLC \$1,745.32; K&S Plumbing, Inc \$264.30; Loiseau Construction, Inc \$119,174.08; Otis Elevator Company \$3,033.36; Pomp's Tire Service, Inc \$148.00; Quality Welding, Inc \$26.10; Thee Glass Doktor, LLC \$112.50; US Bank Visa \$4,035.86; Woodman Refrigeration, Inc \$1,931.04. Supplies: Amazon Capital Services, Inc \$24.65; Century Business Products \$178.76; Cole Paper Inc \$2,746.59; Dakota Electronics \$55.00; Geffdog Designs \$142.00; HF Jacobs & Son Const. Inc \$62,468.50; Jensen Rock & Sand Inc \$14,380.15; Jordanne DuCheny \$57.04; LabSource, Inc \$430.05; Marco Technologies, LLC \$19.59; Menards \$467.41; PharmChem, Inc \$1,151.34; Pomp's Tire Service, Inc \$830.32; Quality Welding, Inc \$13.00; Thee Glass Doktor, LLC \$160.00; US Bank Visa \$16,320.04. Travel & Conference: US Bank Visa \$3,935.57. Utilities: Montana-Dakota Utilities Co \$48.80; Northwestern Energy \$51.43; US Bank Visa \$3,701.08. Machinery & Equipment: RDO Equipment Co \$76,000.00. Others: Alan P. or Angela P. Bernard \$13,003.40; Amber L Scriver Subtrust Created Under the Peterson Land Trust 2022 \$19,505.60; Amber Scriver \$3,251.10; Angela Bernard Subtrust Created Under the Peterson Land Trust 2022 \$19,505.60; Angela Peterson Bernard \$3,251.10; Darwin H. or Mary J. Bettmann \$1,950.56; David and Jill Lehmann Living Trust \$16,254.00; Donald D. or Maxine E. Fischer \$1,950.65; FDM Revocable Living Trust \$16,253.95; Great Plains Bank \$19,505.60; Herman Schumacher \$8,127.00; James D. Gressett \$16,253.95; John Kippley \$3,250.93; Joop Antonius Hubertus Bollen \$16,253.95; Lynette Durheim \$6,502.20; Mark & Mary Volk \$6,502.20; Marlin Nilsson \$13,003.40; Pizza Ranch \$99.95; Plains Commerce Bank-Aberdeen \$248,040.50; Pyush Ramanlal Patel \$16,253.95; Robert M. or Lora M. Larson \$3,250.55. All members present voting aye. Motion carried.

HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim:

- Resignation of Adelaide Mounga, Brown County State's Attorney Victim's Witness Specialist; FT – effective May 31, 2024. Request to fill.
- Resignation of Blaze Mills, Brown County Jail Detention Officer, PT – effective May 23, 2024. Request to fill.
- Hiring of Sheila Haugen as Brown County Sheriff's Office Records Technician, FT; starting wage \$19.29/hr. – effective June 18, 2024.
- Transfer of Tina Jacobs from FT Brown County Jail Detention Officer to PT Brown County Jail Detention Officer – effective June 9, 2024.

All members present voting aye. Motion carried.

FIREWORKS DISPLAY PERMIT:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Fireworks Display Permit for Lew's Fireworks at the Brown County Fair. All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following Travel Requests: Scott Meints and Patti Woods, Emergency Management to attend SD EM Conference on September 8-12, 2024 in Chamberlain, SD. All members present voting aye. Motion carried.

ZONING ORDINANCES – SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Gage, seconded by Wiese to set hearing date and authorize publication for the first reading of the following zoning ordinances to be held on June 18, 2024 in the Commissioner’s Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance #271, applicant Morgan & Jackie Beving for the purpose of rezoning the following property from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Proposed Lot 1, “Beving Addition” in the W1/2 of the NE1/4 of Section 35-T123N-R65W of the 5th P.M., Brown County, South Dakota (37865 135th Street; Mercier Twp.). Proposed Ordinance #272, applicant Julie Lillis for the purpose of rezoning the following property from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Proposed 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.). All members present voting aye. Motion carried.

PRELIMINARY PLAT:

Moved by Commissioner Gage, seconded by Wiese to approve the Preliminary Plat for Troy & Rebecca Woehl which includes a new road named Howling Woods Lane: “Howling Woods Subdivision” in the SW ¼ of Section 22-T123N-R64W of the 5th P.M., Brown County, SD (approximate address is 1493 S. 385th Ave.; Aberdeen Township). Title 5 Subdivision Ordinances Require Preliminary Plat review with a new dedicated road and road name. All members present voting aye. Motion carried.

PLATS:

RESOLUTION #25-24

Commissioner Gage brought the following resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Kevin & Jean Nelson First Addition to the City of Columbia, in the NE ¼ of Section 29-T125N-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.” Seconded by Wiese. All members present voting aye. Resolution adopted.

RESOLUTION #26-24

Commissioner Gage brought the following resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Jackson & Karlen’s Third Subdivision, in the NW ¼ and N ½ SW ¼ of Section 33-T125N-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.” Seconded by Wiese. All members present voting aye. Resolution adopted.

RESOLUTION #27-24

Commissioner Gage brought the following resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Beving Addition, in the W ½ of the NE ¼ of Section 35-T123N-R65W 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.” Seconded by Wiese. All members present voting aye. Resolution adopted.

RESOLUTION #28-24

Commissioner Gage brought the following resolution “Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing Jones-Wright Addition, in the E ½ of Section 7-T123N-R62W 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.” Seconded by Wiese. All members present voting aye. Resolution adopted.

RESOLUTION #29-24

Commissioner Gage brought the following resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Doeden First Addition, in the SE ¼ of Section 24-T123N-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.” Seconded by Wiese. All members present voting aye. Resolution adopted.

LOTTERY PERMIT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign the application submitted by Richmond Lake Association for a lottery to be held on July 20, 2024 at the Richmond Pavilion to raise funds for Lake Projects. All members present voting aye. Motion carried.

OTHER BUSINESS:

Commissioner Gage shared that his children’s class did a Tour of the Landfill, they had a great time and Mike Scott, Landfill Manager did a great job with the class.

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Fjeldheim to go into Executive Session for Personnel, Legal and Contracts per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

ADJOURNMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese to adjourn the Brown County Commission at 10:05 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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(605) 225-6522

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF
WOEHL PROPERTIES, LLC**

THIS DECLARATION, made this ____ day of May, 2024 by Woehl Properties, LLC, hereinafter referred to as "DEVELOPER," hereby makes, supplements and amends all prior Declaration of Covenants, Conditions and Restrictions recorded May ____, 2024. On the following described real estate: to wit

Lots 1 through 16 of Howling Woods Subdivision in the SW
¼ of Section 22, Township 123 North, Range 64 West of the
5th P.M, Brown County, South Dakota

and files and records the within Declaration of Covenants, Conditions and Restrictions on the following described real estate.

WHEREAS, the Developer has carefully planned a development with the intention of creating a quality residential development. It is the intent of the Developer to create the within Covenants, Conditions and Restrictions (CC&R's) to create conditions which will enhance the value, desirability, and attractiveness of the development in accordance with the cohesive plan of the development. These CC&R's, are not designed to unduly restrict or limit buyers or builders but rather protect the development from homes that may reduce or detract from the value of other homes within the development.

WHEREAS, the owner for itself, its successors and assigns, does hereby make, publish, covenant and agree that the real estate set forth herein shall be subject to the following Covenants, Conditions and Restrictions (CC&R's), running with the land and binding upon all purchasers, owners, mortgages, and holders of said premises, their heirs, personal representatives, administrators, successors and assigns, unless modified in whole or in part as set forth herein.

NOW, THEREFORE, in order to adopt a comprehensive plan for the development, the above-described real estate shall be subject to and imposed upon the following Covenants, Conditions and Restrictions (CC&R's) as follows:

1. That Woehl Properties, LLC, its successors and assigns, reserves the right to amend, change, alter and vacate these Covenants, Conditions and Restrictions (CC&R's) on any lot(s) or parcel of real estate until the formation of a Home Owner's Association. That upon the formation of the Home Owner's Association as set forth herein, said Home Owner's Association shall also have the right to amend, change, alter and vacate these Covenants, Conditions and Restrictions (CC&R's) on any lot(s) or parcel of real estate upon majority vote.
2. An easement over, above and under the ground for all utility installation, maintenance, operation and repairs is reserved by the Developer perpetually covering the strip of land as shown as easements (10-foot easement on the rear/back of each lot, and a 5-foot easement on each side of each lot) on the recorded plat thereof. Within said easement area(s), no structure, planting (except grass) or other materials shall be placed or permitted to remain which may damage or interfere with the installation, maintenance and repair of such utility. That the Developer (and if said lot is sold with the purchaser) may modify by written agreement any easement location on said lot, which shall be recorded in the original or in any subsequent deed or conveyance.
3. That each lot owner shall maintain the drainage as determined or established by the developer or developer's agents. The developer or developer's agents may establish elevations when requested which shall be maintained by the lot owner in order to provide for proper drainage of water within the development.
4. No lot shall at any time be replated or subdivided into a smaller lot, or replated in any manner other than the lot shown on the recorded plat, unless the Developer expressly consents.
5. All homes shall be of quality material and workmanship on permanent foundations, with not less than two (2) attached garage stalls per home. Within the plated area, no single-family home shall be permitted on any lot where the ground floor area, exclusive of the garage and porches, shall be less than 1500 square feet (except for homes which are multi-level, bi-level or 2 story). All homes consisting of garages within a home sometimes referred to as a "barndo" may be allowed with prior approval of the developer. The Developer reserves the right to increase the square footage of homes on lots designated by the Developer. No home, building or structure shall be placed, erected or altered upon any lot until construction plans, specifications and plot plan (including finished grade elevations), have been approved by the Developer. That all homes shall be stick or steel built. That unless previously approved by Developer or Home Owner's Association upon creation, all homes shall be built on site and no manufactured, pre-built or movable structure home shall be moved onto any lot.
6. The water supply for each lot shall be served through a Web Water centralized meter system. Web Water will bill the association monthly for water

consumption. The association will assess/rebill each lot owner on a monthly basis for their assessment consumption. Any water consumption over the allocated amount per lot will incur an additional surcharge payment over the allocated use amount for each lot. Web Water use shall not be allowed for lawn and garden irrigation and usage.

7. That every lot owner shall comply with the following design and construction requirements as follows:
 - a. Windows and sliding doors may be colored, anodized, or painted aluminum, vinyl, or wood. Raw (mil-finished) Aluminum shall not be approved.
 - b. That swimming pools, hot tubs, decks, trampolines and other playground equipment shall be located in the back of the home and within the lot building setback limits.
 - c. That the Developer has established design and construction requirements for the development and all owners shall comply with all of the design and construction requirements created by the Developer. That Developer reserves the right to amend, change, alter and modify the design and construction requirements from time to time.
 - d. That no lot shall be allowed to have an above-ground propane tank. All propane tanks shall be buried and out of sight. All property owners shall be required to install and maintain their own septic system and drain field on their own property and not combine this system with any land owner.
8. No dwelling, structure, fence or building shall be located on any lot closer than twenty-five (25) feet to the curbed frontage (front lot line) and no dwelling or other building shall be located nearer to the interior lot line than that allowed by the building ordinance of the Brown County, and, whenever allowed or permitted by the city ordinance, eaves, steps and open porches shall not be considered as a part of the building structure.
9. No structure, trailer, tent, garage, moved-in house or other building shall be used on any lot at any time as a home. Separate garages or outbuildings to serve the principal home may be permitted. All garages or outbuildings shall be placed on a solid foundation (not pillars or base-course gravel). No more than two (2) flagpoles of twenty-five (25) feet shall be allowed. Exterior antennas or dishes for wireless cable TV transmission or digital satellite systems may be allowed, as long as they are appropriately screened, or concealed from view from adjacent property owners.
10. Lot maintenance is essential; owners shall maintain and cut the lot lawn upon five-inch growth and not allow weeds to infiltrate the lot. Owner shall keep and

maintain the home and lot in good repair and in a respectable condition. Developer/Association may assess a fee upon mowing of un-kept lots.

11. Fencing on the property shall be black, brown, green or tan in color, and made of wood or vinyl material. All fencing should be between four (4) feet and six (6) feet in height, with or without brick pilasters or columns. All fencing shall have a minimum set back of twenty-five (25) feet behind the curbed frontage. Developer may authorize additional privacy fencing, or allow additional fencing on a case-by-case basis.
12. No lot may be used or maintained as a dumping ground for rubbish, trash, and yard waste. All garbage shall be kept in containers and all equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
13. That all recreational vehicles, trailers, mobile homes, fold-down campers, snowmobiles, boats, mowers, water craft, ATV's, and trailers, shall be kept or stored within the attached garage and/or other outbuilding constructed for that purpose. (No commercial vehicle, truck or commercial trailer exceeding a gross weight of ten thousand pounds (10,000) shall travel upon, be parked or kept on any of the development. Commercial vehicles used in connection with moving, or delivery of goods to a residence shall be permitted.)
14. No animals, livestock, or reptiles of any kind shall be raised, bred or kept on any lot, except dogs, cats, chickens with a coop no larger than 12x16 with a 20x30 run, and other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.
15. There shall be permitted, no more than one residence to each lot. Dogs, cats and other common household pets must be tied, fenced, leashed or kept in a run or kennel when outside. At all times, animals shall be contained on the owner's property. Dog kennels that are constructed with chain length fencing shall be attached to the house. All other chain length kennels are generally discouraged and require pre-approval of Developer.
16. That a business operated out of a residence may be permitted so long as it is done entirely within the residence, not cause increased traffic or congestion within the development and there shall be no outward indication, signs or otherwise, indicating such business enterprise. It shall be permissible to display on any lot a professional sign of not more than six (6) square feet advertising the property for sale or rent.
17. It is the Developer's intent to create a development for single family homes within the above-described real estate. If the residence is owner occupied, no person shall be allowed to reside at any residence unless said person is of lineal consanguinity (the relationship between persons who are directly descended or

ascended from one another) to the owner(s). Under a tenancy situation, no more than two unrelated persons shall be allowed to occupy a residence. All individuals residing at said residence shall have lineal consanguinity to the owner. Nothing in this paragraph shall affect a situation involving a step person or guardian relationship.

18. Developer shall be responsible to build, repair, and maintain the gravel roadway system for the development until April 30th, 2025. Each lot owner shall be required to pay 1/16 of the cost of roadway maintenance, repairs, and expenses incurred after May 1st, 2025.

DEVELOPER / ASSOCIATION RIGHTS

19. Developer shall have authority to make any and all improvements in the development until a lot is sold to a third party. After the Developer has sold seventy-five percent (75%) of the total number of lots within the development, a Home Owner's Association may be formed. The Home Owner's Association Board shall consist of three (3) members. The Association shall consist of two (2) members that reside within the development and the developer or an individual appointed by the Developer shall be appointed as the third (3rd) member of said Association. The Developer shall retain the power to appoint a representative to the Association Board until the Developer has sold all of the lots within the development or the Developer voluntarily surrenders its appointment to the Board of the Association. Each lot owner within the Association shall have authority to vote for two members of the Board of the Association to serve for a two (2) year term. The individuals who receive the most votes shall be elected to the Board of the Association. Upon the creation of the Association, the original Board may establish rules and procedures to be followed by the Association.
20. Enforcement of these declarations shall be by proceeding at law or in equity against the owner/persons violating or attempting to violate any declaration, either to restrain such violation and or recover damages from the violation hereof. Any failure of any owner of lots or Board of the Association to attempt to enforce these covenants for any period of time shall in no event be deemed a waiver of the right to do so. Any delay or waiver of any declaration shall not be deemed to be continuing waiver, or acquiescence for additional or separate violations. Any invalidation of any one of these declarations by judgment or Court order, shall in no way effect any other provision of these declarations, but all such remaining declarations shall remain in full force and effect to the fullest extent permitted by law.

21. That the Association Board may make periodic assessments upon owner's of the lots within the development to cover the reasonable costs and expenses of the Board in enforcing, modifying or vacating any of the CC&R's. All assessments shall be an equal amount per lot and shall become a lien on the property and may be collected in the same manner as a mechanic's/materialmen's lien. The committee Board shall not be paid any compensation for their service however, such Board member may be reimbursed reasonable out-of-pocket expenses incurred in the performance of their duties as Board members.

Dated this ___ day of May, 2024.

WOEHL PROPERTIES, LLC

By: _____
Troy Woehl – President

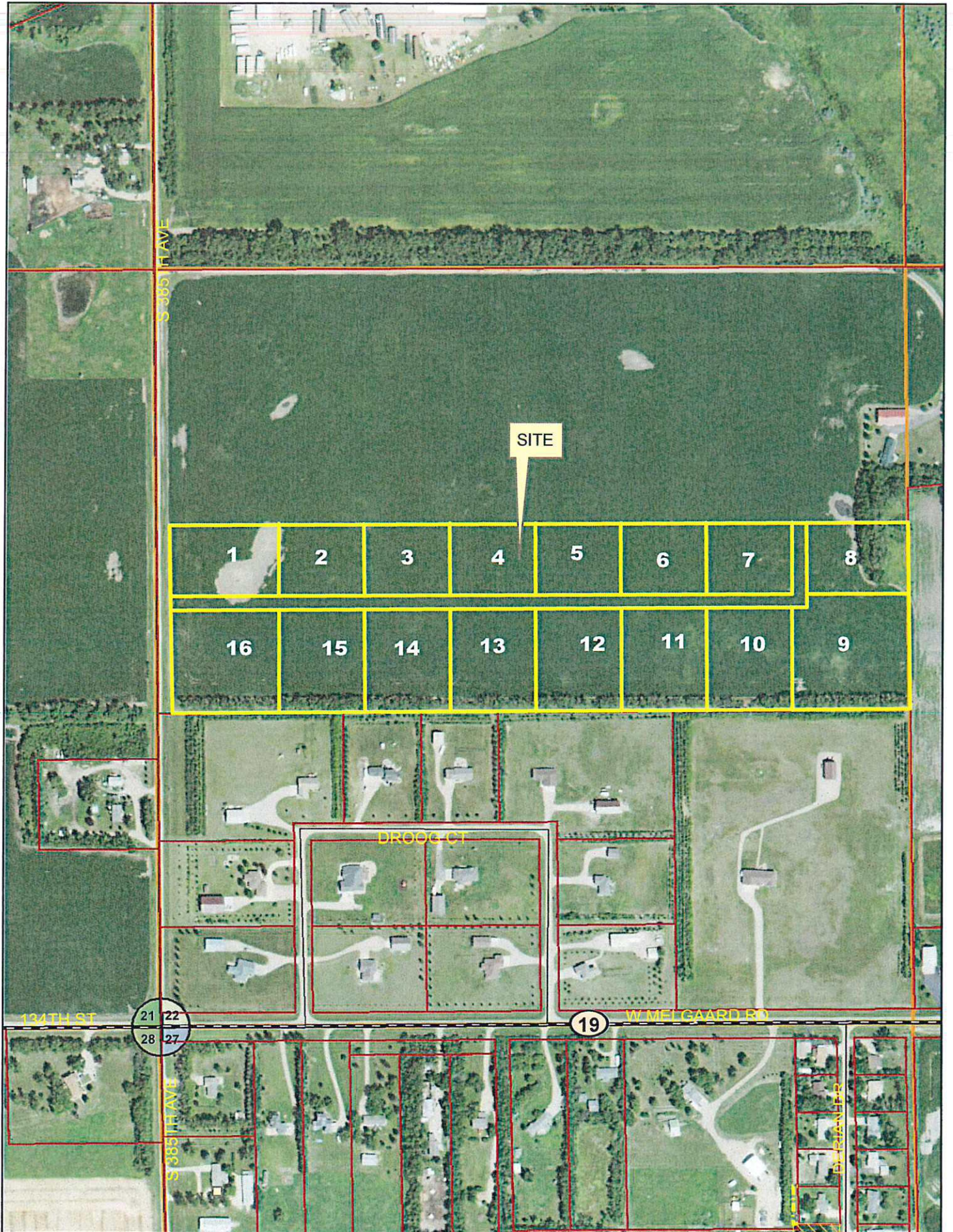
STATE OF SOUTH DAKOTA
:SS
COUNTY OF BROWN

On this the ___ day of May, 2024, before me, the undersigned officer, personally appeared Troy Woehl, and that he, as such President being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

(SEAL)

Notary Public – South Dakota
My Commission Expires: _____



SITE

1

2

3

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5

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7

8

16

15

14

13

12

11

10

9

DROOG CT

134TH ST

21 22
28 27

19

W MELGAARD RD

S 385th AVE

S 385th AVE