

AGENDA

REGULAR SCHEDULED MEETINGS

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, August 18, 2020 – 7:00 PM

EAST SIDE of BSMNT COMMUNITY ROOM, BROWN COUNTY COURTHOUSE ANNEX (605) 626-7144
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- I. Call to Order: Planning/Zoning Commissioner Chairman Jerry Streckfuss
- II. Roll Call: Vice Chairman Stan Beckler, Darwin Bettmann, David North, Dale Kurth, Patrick Keatts, B.C. Commissioner Rachel Kippley serving on the Planning/Zoning Commission & Chairman Jerry Streckfuss.
- III. Minutes: JULY 21, 2020
- IV. Old Business: **Special Exception/Conditional Use** in Mini Agricultural District (M-AG) described as East 20 Rods of the SE1/4 of the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2724 392nd Ave).
- V. New Business: P&Z Commission as **Zoning Board of Adjustment (BOA)**
 1. **Special Exception/Conditional Use** in Mini Agriculture District (M-AG) described as Outlot 14, of “Outlots 9 through 25, Jobee Acres” in the NE1/4 of Section 27-T123N-R63W of the 5th P.M., Brown County, South Dakota (6102 134th Street E).
 2. **Variance for Building Setback** in Mini Agricultural District (M-AG) described as Lot 8, Block 3, “Pleasant Valley Estates” in the SE1/4 of Section 30-T124N-R64W of the 5th P.M., Brown County, South Dakota (12861 E Pleasant Valley Drive).
 3. **Variance to Building Setbacks** in Agriculture Preservation District (AG-P) described Lot 2, “M&M Musel 1st Subdivision” in the SE1/4 of Section 2-T123N-R64W of the 5th P.M., Brown County, South Dakota (3157 387th Ave).
 4. **Special Exception/Conditional Use** in Mini Agricultural District (M-AG) described as West 400’ of the East 950’ of the North 500’ in the NW1/4 of Section 25-T124N-R64W of the 5th P.M., Brown County, South Dakota (38741 128th Street).
 5. **Variance for Lot Size** in Agriculture Preservation District (AG-P) described as Lot 1, and Lot 2, “J Heupel Addition” in the NE1/4 of Section 26-T123N-R60W of the 5th P.M., Brown County, South Dakota (41053 134th Street).

6. **Variance to Building Setback** in Agricultural Preservation District (AG-P) described as “Jones Outlot 1” in the N1/2 of Section 32-T124N-R62W of the 5th P.M., Brown County, South Dakota (39551 129th Street).
7. **Variance to Lot Size** in Agriculture Preservation District (AG-P) described as Lot 1, “Roger and Diane Johnson Subdivision” in the SW1/4 of Section 33-T125N-T60W of the 5th P.M., Brown County, South Dakota (40810 124th Street).
8. **Variance to Lot Size** in Agriculture Preservation District (AG-P) described as Lot 1, “Tacoma Park Place Addition” in the NE1/4 of the NW1/4 of Section 23-T124N-R62W of the 5th P.M., Brown County, South Dakota (39849 127th Street).
9. **Variance for Lot Frontage** in Agriculture Preservation District (AG-P) described as Lot 2, “J. Heupel Addition” in the NE1/4 of Section 26-T123N-R60W of the 5th P.M., Brown County, South Dakota (41053 134th Street).

VI. Other Business:

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

REGULAR SCHEDULED MEETINGS BROWN COUNTY PLANNING/ZONING COMMISSION

Beginning as Planning Commission

I. Old Business:

II. New Business: **Planning Commission**

20. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a property described as: Lot 2, “Hanlon Subdivision” in the NE1/4 of Section 20-T123N-R62W of the 5th P.M., Brown County, South Dakota (13330 Park Road).
21. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Lake Front Residential District (R-3) for a property described as: Outlot 1, “Replat of Miller’s Outlot F” in the SE1/4 of Section 24-T124N-R65W of the 5th P.M., Brown County, South Dakota (379540 N Shore Drive).
22. **Preliminary and Final Plat** for a property described as “J. Heupel Addition” in the NE1/4 of Section 26-T123N-R60W of the 5th P.M., Brown County, South Dakota (41053 134th Street).
23. **Preliminary and Final Plat** for a property described as “Roger and Diane Johnson Subdivision” in the SW1/4 of Section 33-T125N-R60W of the 5th P.M., Brown County, South Dakota (40810 124th Street).
24. **Preliminary and Final Plat** for a property described as “Tacoma Park Place Addition” in the NE1/4 NW1/4 of Section 23-T124N-R62W of the 5th P.M., Brown County, South Dakota (39849 127th Street).
25. **Preliminary and Final Plat** for a property described as “Modelaire’s-Young Addition” in the SE1/4 of Section 36-T123N-R64W of the 5th P.M., Brown County, South Dakota (4026 & 4114 388th Ave S)

III. Other Business:

VI. Motion to Adjourn:

MINUTES

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, JULY 21, 2020 - 7:00 P.M.

COMMUNITY ROOM, BROWN COUNTY COURTHOUSE

The Brown County Planning / Zoning Commission meeting was called to order by Brown County Planning/Zoning Commission Chairman Jerry Streckfuss. Members of the Brown County Planning/Zoning Commission present in Community Room for roll call were Vice Chair Stan Beckler, David North, Dale Kurth, Patrick Keatts, and Darwin Bettmann. Members present on-line at “GoToMeeting” for roll call were zero (0) members. Members absent during roll call were B.C. Commissioner Rachel Kippley. Also present in the Community Room during the meeting was Scott Bader and Nancy Clark North from the Planning/Zoning Office.

This meeting was conducted “*in-house*” and by the use of the “GoToMeeting” Application due to the Covid-19 Pandemic social distancing protocol. Customers and the public were allowed to join our meeting from:

1. their computer, tablet or smartphone for video conferencing using the following link; <https://global.gotomeeting.com/join/992275197> or,
2. they may dial up using any phone in the United States at: 1 (646) 749-3122 for voice only and using Access Code: 992-275-197.

After discussion, Keatts moved and Beckler seconded to approve the June 16, 2020 Planning/Zoning Commission monthly meeting Minutes. All members voted aye, the motion carried.

Chairman Streckfuss then continued with business as follows:

Old Business: none

New Business: Planning/Zoning Commission as Zoning *Board of Adjustment (BOA)*

1. **Variance to Building Setbacks** in a Lake Front Residential District (R-3) described as Lot 18, “Lutgen’s West Addition” in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127264 W Shore Drive). Submitted by Roger Cooper. Following discussion, Kurth moved, North seconded to **approve the variance** request on building setbacks to be 10’ from the west rear

yard rather than 30' required for a 22'x26' unattached garage, all members voting aye, motion carried.

2. **Variance to Building Setback** in Mini Agricultural District (M-AG) described as "Wahlen's First Subdivision" in the NE1/4 of Section 8-T123N-R63W of the 5th P.M., Brown County, South Dakota (2329 N Brown Co 19). Submitted by Zach Rathert. In attendance was Zach Rathert. Following discussion, Kurth moved and Beckler seconded to **approve the variance** request on building setbacks to be 25' from the north front yard (double frontage) rather than 100' required for a new 40'x 80' home, all members voting aye, motion carried. Note: this house was recently destroyed in a fire.
3. **Variance to Lot Size** in Agricultural Preservation District (AG-P) for a *proposed* property described as Lot 1 "Schoen Addition" of the NW1/4 of Section 25-T121N-R64W of the 5th P.M., Brown County, South Dakota (38745 146th Street). Submitted by Rodney Schoen. Present for this item was Rodney and Jill Schoen. Following discussion North moved, Keatts seconded to **approve the variance** to minimum lot size to be 1.92 acres on Lot 1 rather than 40.0 acres required (using Chapter 4.0605-1 "Farm Unit" requirements), all members voting aye, motion carried.
4. **Variance to Lot Frontage** in a Mini Agricultural District (M-AG) for a *proposed* property described as Lot 2 "Har-Luke Young Subdivision in the SE1/4 of Section 26-T123N-R64W of the 5th P.M., Brown County, South Dakota (2840 S 5th Street). Submitted by Harlan Young. In attendance for this item was Harlan Young. Following discussion, Bettmann moved and Keatts seconded to **approve the variance** for minimum lot frontage width to be 130' rather than 200' required for Lot 2, all members voting aye, motion carried.
5. **Variance to Lot Size** in an Agricultural Preservation District (AG-P) for a *proposed* property described as Lot 1 "HAPI 2020-1 Subdivision" in the NE1/4 of the NW1/4 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota (1320 130th Street). Submitted by Jeff Mitchell. In attendance for this item was Jeff Mitchell. Following discussion, Beckler moved and North seconded to **approve the variance** to lot size to be 31.65 acres for Lot 1 rather than 40.0 acres minimum required, all members voting aye, motion carried. *Note: HAPI will re-plat Lot 1, annex their subdivision into City Limits, and will rezone to a Residential Zoning District at that time with the City of Aberdeen, to match up with their previous subdivision to the south of this land.*

6. **Special Exception/Conditional Use** in a Mini Agriculture District (M-AG) described as East 20 Rods of the SE1/4 of the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2724 392nd Ave). Submitted by Corey Foley. In attendance for this item was Corey Foley, Jodie & Becky Michaelsohn, Todd & Jody Sahli and Arne Svarstad. Following discussion, comments and requests made about noise, dust, amount of equipment storage, number of vehicles present and size of signs on site, North moved and Kurth seconded to **table the special exception / conditional use** to August 18, 2020 monthly meeting requesting more information for discussion, all members voting aye, motion carried.
7. **Special Exception/Conditional Use** in a Rural Urban District (R-U) described as Lot 1, 'Jones First Subdivision in "Mallard Pass Subdivision" in the SW1/4 of Section 8-T123N-R62W of the 5th P.M., Brown County, South Dakota (39501 Pintail Ave). Submitted by John Zueger. Present for this item was John and Jody Zueger and neighbor James Haugen. Following discussion North moved and Beckler seconded for **approve the special exception / conditional use** to allow a Federal Firearms Licensed dealer business in their house, all members voting aye, motion carried.
8. **Variance to Building Setbacks (House)** in Lake Front Residential District (R-3) described as Lot 10, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127386 West Shore Drive). Submitted by Troy Holtey. In attendance for this Item was Troy Holtey. Following discussion on needing a variance, pouring concrete footings, starting work without getting a Permit, Beckler made a motion Kurth seconded to **approve the variance** request for minimum building setbacks to be 05' from the north side yard rather than 07' required and 20' from the east front yard property rather than 38' required (50' from high water mark; minus 12' easement = 38' for Richmond Lake area) for a 22' x 34' addition to the house, all members voting aye, motion carried.
9. **Variance to Building Setbacks (Garage)** in a Lake Front Residential District (R-3) described as Lot 10 "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127386 West Shore Drive). Submitted by Troy Holtey. In attendance for this Item was Troy Holtey. Following discussion about starting this project without an approved permit, pouring concrete slab for garage a distance of 5 feet beyond

property line out into the right-of-way, North made a motion, Beckler seconded to **deny** a zero (0) foot setback as requested, but **approved a variance** for building setbacks to be 7' from the west rear yard rather than 30' required for their proposed 24' x 32' unattached garage which needs to be measured from the furthest projection of the building (decks, cantilevers or overhang), all members voting aye, motion carried.

- 10. Variance to Building Setback** in a Residential District (R-1) described as Lot 7, "Auditor's 2nd Subdivision" in the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2720 S Hwy 281). Submitted by Hugh Dahme. In attendance for this item were Hugh & Karen Dahme. Following discussion, Bettmann made a motion and Beckler seconded to **approve the variance** request on building setbacks to be 7' from the west rear yard rather than 20' required for a 30' x 44' cold storage building, all members voting aye, motion carried.
- 11. Special Exception/Conditional Use** in Agricultural Preservation District (AG-P) described as Lot 1 "Sippel Addition" in the SW1/4 of Section 9-123N-R60W of the 5th P.M., Brown County, South Dakota (40808 132nd St). Submitted by Marc Sippel. In attendance for this item were Marc & Franne Sippel, Jeff Wolff, Tanya Torguson and Jeff Howard. Following discussion that he meets all of his requirements as submitted, he doesn't have a neighbor within one-half (1/2) mile required to sign a waiver and there doesn't seem to be any opposition, Beckler moved and North seconded to **approve of the special exception / conditional use** application to have a Class "C" Concentrated Animal Feeding Operation (CAFO) for an average of 5500 sheep/lambs, all members voting aye, motion carried. (Note: Class C is 300 to 999 Animal Units @ 0.10/sheep. The owner said he averages 5500 head and maxed out at 7500 head times 0.10 multiplier, which is 550 to 750 AU).
- 12. Special Exception/Conditional Use** in Agriculture Preservation District (AG-P) described as SE1/4 of Section 2-T127-N-R62W of the 5th P.M., Brown County, South Dakota (10653 399th Ave). Submitted by Cole Truebenbach. Present for this item was Cole Truebenbach, Mitch & Carolyn Truebenbach, Jeff Howard, Jeff Wolff, Tanya Torguson. Following discussion noting that Truebenbach recently purchased the feeding operation from Richter Farms and Richter's had a feedlot for years, but the feedlot did not get permitted over the years that it grew in size, North moved, Kurth seconded to

approve the special exception/conditional use (CAFO) for a change of ownership from William Richter/Richter Farms to Cole Truebenbach for a Class "C" CAFO for cattle, all members voting aye, motion carried. Note: Class C is 300 to 999 Animal Units (AU). 800 head @ 1.0 AU /cattle is 800 AU which is within Class requirements. The owner said he averages 600 head and maxed out at 700 head.

Other Business: none

*Completed as Zoning Board of Adjustment (BOA) and
Beginning as Planning Commission*

**REGULARLY SCHEDULED MEETING
BROWN COUNTY PLANNING/ZONING COMMISSION**

Old Business: none

New Business: *Brown County Planning Commission*

20. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for an existing parcel described as: East 30 Rods of South 55 Rods in the SE1/4 of Section 25-T124N-R64W of the 5th P.M., Brown County, South Dakota (12891 388th Ave). Submitted by Amber Brewer. In attendance for this Item were Bob & Amber Brewer. Following discussion, Beckler moved, Bettmann seconded to **recommend approval of this rezone** for 8.95 acres to the Board of County Commissioners, all members voting aye, motion carried.
21. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a *proposed* property described as: Lot 2 "HAPI 2020-1 Subdivision" in the NE1/4 of the NE1/4 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota (1522 130th Street NE). Submitted by Jeff Mitchell. In attendance for this item was Jeff Mitchell. Note: HAPI does not need approach access into existing farm field currently. HAPI will re-plat Lot 1 into a large Subdivision, annex their subdivision into City Limits and will rezone to a Residential Zoning District at that time to match up with their previous subdivision inside City Limits just to the south of this land in the future. Following discussion North moved and Kurth seconded to **recommend approval of this rezone** for

- 6.15 acres to the Board of County Commissioners to bring Lot 2 into compliance for future use, all members voting aye, motion carried.
22. **Petition to Re-Zone** from an Agricultural Preservation District (AG-P) to Mini Agricultural District (M-AG) for a *proposed* property described as Lots 1&2, “Gabler-Brakefield Addition”, and existing parcels Lot 1, “Johnson South Subdivision” and Lot 1, “Johnson South 2nd Subdivision” all in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (38585 139th Street). Submitted by Bradley Gabler/Brian Brakefield. In attendance for this Item was Brian Brakefield. Following discussion, Beckler moved and Kurth seconded to **recommend approval of this rezone** (Lot 2=2.00 ac, Lot 1=6.00 ac *Gabler*; Lot 1=2 ac & Lot 1=2 ac *Brakefield*) to the Board of County Commissioners, all members voting aye, motion carried.
23. **Preliminary and Final Plat** for a property described as Lot 1 “Mestas Second Addition” in the SW1/4 of Section 26-T124N-R64W of the 5th P.M., Brown County, South Dakota (12890 Laura Lane). Submitted by Keith Rath. Following discussion that an approach access is existing on their current property and not needed from this plat and noting that Jerry Mestas is buying an additional 108.9 feet of land to the back of his existing lot; Beckler moved and North seconded to **recommend approval of this plat** to the Board of County Commissioners, all members voting aye, motion carried.
24. **Preliminary and Final Plat** for a property described as Lot 2 “HAPI 2020-1 Subdivision” in the NW1/4 of the NW1/4 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota (1522 130th Street NE). Submitted by Jeff Mitchell. In attendance for this item was Jeff Mitchell. Note: HAPI will re-plat Lot 1 and annex their subdivision of Lot 1 into City Limits in the future and will rezone to a Residential Zoning District at that time to match up with their previous subdivision inside City Limits just to the south of this land. Following discussion, Beckler moved and Keatts seconded to **recommend approval of this plat** to the Board of County Commissioners, all members voting aye, motion carried. Note: HAPI does not need any approach access approved at this time until they have their subdivision planned out. They also know that approach access is required to be a minimum of 500’ separation along all county highways & roads.
25. **Preliminary and Final Plat** for a property described as Lot 1 “Schoen Addition” in the NW1/4 of Section 25-T121N-R64W of the 5th P.M., Brown County, South Dakota (38744 146th Street). Submitted by Rodney Schoen. In attendance for this Item was Jill Schoen. Following discussion North moved and Bettmann seconded to **recommend approval of this plat** to

the Board of County Commissioners, all members voting aye, motion carried.

26. **Preliminary and Final Plat** for a property described as Lot 1&2 “Gabler- Brakefield Addition” in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (38585 & 38581 139th Street). Submitted by Bradley Gabler. Following discussion that Bradley Gabler is subdividing his parcel to sell Lot 2 to neighbor Brian Brakefield and Brakefield plans to plat his existing property together with this one, so he does not need an approach access on this Lot 2, Kurth moved and Bettmann seconded to **recommend approval of this plat** to the Board of County Commissioners, all members voting aye, motion carried.
27. **Preliminary and Final Plat** for a property described as “Har-Luke Young First Subdivision” in the SE1/4 of Section 26-T123N-R64W of the 5th P.M., Brown County, South Dakota (2840 S 5th Street). Submitted by Harlan Young. In attendance for this Item was Harlan Young. Following discussion that they plan to alter/improve an existing approach that will give them a shared access to Lot 2 and Lot 1, Beckler moved and Bettmann seconded to **recommend approval of this plat** to the Board of County Commissioners, seconded by Bettmann, all members voting aye, motion carried. Note: Lot 1 has existing approach access and the new Lot 2 will have an existing approach reworked and improved for access.
28. **Ordinance Changes for Title 4 and Title 5**. Following discussion on proposed Ordinance changes (Chapters 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.32, 5.01) and noting that Scott Bader is continually working on updates of several more portions of Title 4, 5, & 9, Beckler moved and Keatts seconded to **recommend approval of these changes to Title 4 & 5 Ordinances** to the Board of County Commissioners, all members voting aye, motion carried.

Other Business: none

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

Submitted by: Scott Bader - Planning & Zoning Department.

STAFF REPORT
July 21, 2020

Spec Exc/Conditional Use for Business

ITEM # 00

GENERAL INFORMATION

PETITIONER	Cory Foley
REQUEST	Special Exception/Conditional Use for a business in a Mini-Ag District (M-AG).
LEGAL DESCRIPTION	E 20 Rods of the SE1/4 of the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	2724 392 nd Ave
EXISTING ZONING	Mini-Agriculture District (M-AG)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Mini-Agriculture District (M-AG)
West:	Agriculture Preservation District (AG-P)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Conditional Use for a concrete, masonry and equipment business in a Mini-Agriculture District (M-AG).

REVIEW: Staff is requiring an “*efficiency living area*” with a bathroom, kitchen and bedroom in the proposed shop building. They don’t need a separate house on-site to meet Ordinance for Principal Structure.

1. Do you plan on building a home on site anytime in the future?
2. They are allowed a small “wall sign” above walk-in door
3. A “free-standing” sign requires submittal to Zoning Board.
4. Staff does not recommend free-standing sign for advertising a business in residential area. This is not a Commercial District
5. Yard must be kept clean and orderly at all times with minimal items sitting outside in the yard that pertain to the business.
6. Will there be any equipment stored outside & how much?

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: 06/10/2020
RECEIPT # 140076
TOWNSHIP: Bath Twp

FEES: 200.00
PAID: YES/NO ~~CHK~~ CASH
DATE: 6-6-20

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

AGENTS SIGNATURE: Cory w Foley Cory w Foley
AGENTS ADDRESS: 11412 389th Ave Fredrick SD 57401
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: 605-290-5448

REQUEST: Special Exception/Conditional use for a business in a Mini-Ag District (M-AG)

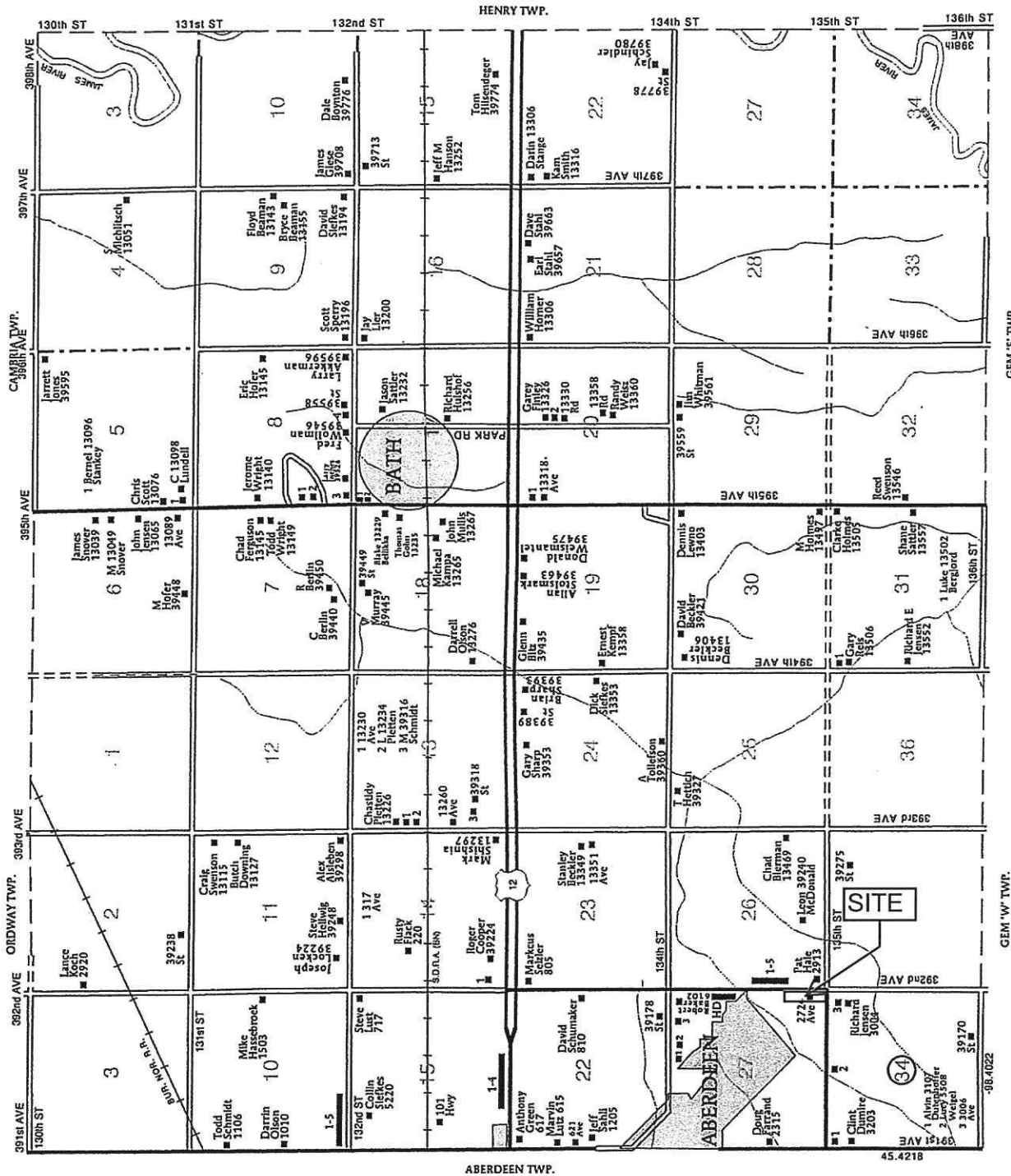
LEGAL DESCRIPTION: E 20 Rods of the SE1/4 of the SE1/4 of Section 27-T123N-R63W
of the 5th P.M., Brown County, South Dakota

SIGNATURE: _____

Planning Commission Action: Approved / Denied

By: _____ **Date:** _____

HEARING DATE: July 21, 2020 **TIME:** 7:00pm



BATH TOWNSHIP

- SECTION 8**
 1 Haugen, James 13164
 2 Kroll, 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 5485
 4 Gossman, S 5755
- SECTION 17**
 1 Buechler, Jerry 13228
 2 Wolf, Justyn 13230
- SECTION 20**
 1 13316
 2 Rohrbach, Kevin 13328
- SECTION 25**
 1 Bellikka, Darryl 2111
 2 Kohhaka, Paul 2195
 3 Griese, Doug 2215
 4 Bjorklund, Richard 2317
 5 Achen, C 2519
- SECTION 27W**
 1 Caton, Caleb 5256
 2 Johnson, K 5950
 3 Arnesen, Daniel 6020

NOTICE OF HEARING SPECIAL EXCEPTION/CONDITIONAL USE

Application has been made to Brown County Planning/Zoning Commission for a SPECIAL EXCEPTION/CONDITIONAL USE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on July 21, 2020 at 7:00 P.M.

Petitioner: Cory Foley

Description of proposed property: E 20 Rods of the SE1/4 of the SE1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2724 392nd Ave).

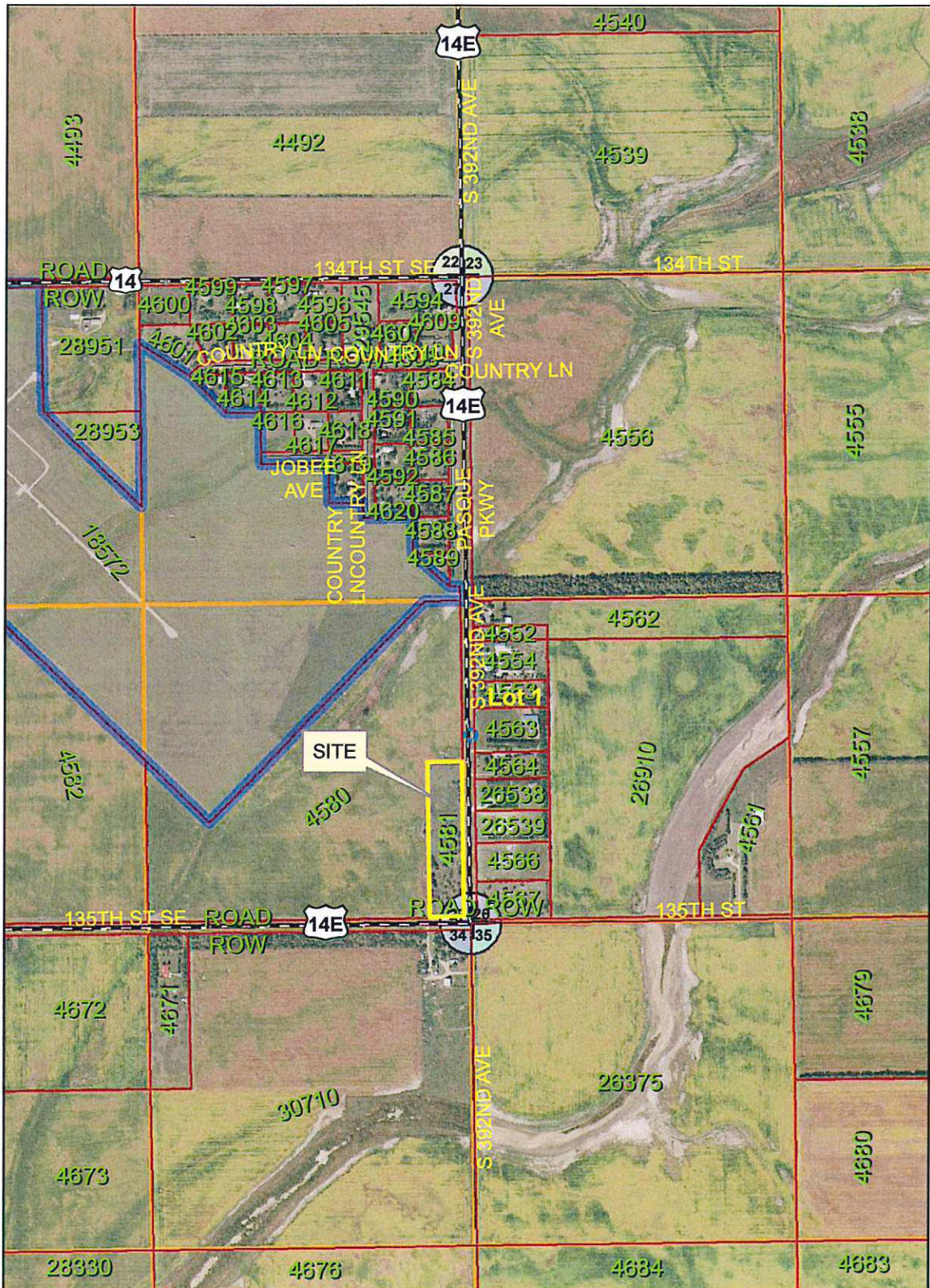
Reason: For the purpose of special exception/conditional use for a concrete, masonry and equipment business in a Mini Agriculture District (M-AG)

The public is invited to attend the hearing and to present comments and testimony regarding the proposed special exception/conditional use.

Dated this 8th day of July 2020.

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 _____.

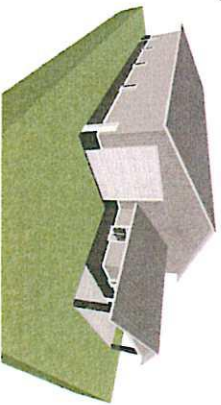




CWF PROPOSED SHOP SITE



Parcel ID: 4581
 SECTWP/RNG: 27-123-63
 Property Address: 2724 392nd AVE
 District: 196100
 Brief Tax Description: E 20 RODS SE SE 27-123-63



STAFF REPORT
August 18, 2020

Spec Exc/Conditional Use for Business

ITEM # 01

GENERAL INFORMATION

PETITIONER/OWNER	Ashley and Jerry McNeary / Robert Baker
REQUEST	Special Exception/Conditional Use for a business in a Mini-Agriculture District (M-AG).
LEGAL DESCRIPTION	Outlot 14, of "Outlots 9 through 25, Jobee Acres" in the NE1/4 of Section 27-T123N-R63W of the 5th P.M., Brown County, South Dakota
LOCATION	6102 134 th St SE
EXISTING ZONING	Mini-Agriculture District (M-AG)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Mini-Agriculture District (M-AG)
East:	Mini-Agriculture District (M-AG)
West:	Mini-Agriculture District (M-AG)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Conditional Use for a "Ashley's Bed n Biscuits" boarding hotel for dogs to have a short term stay in a Mini-Agriculture District (M-AG).

REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: 07/31/2020
RECEIPT # 139945
TOWNSHIP: Bath Twp


FEES: \$200.00
PAID: YES/NO CHK/CASH
DATE: 8-11-20

OWNERS SIGNATURE: Robert Baker
OWNERS ADDRESS: 6102 134th St SE
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-216-2196

AGENTS SIGNATURE: Ashley & Jerry McNeary
AGENTS ADDRESS: 424 S 12th St
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-290-1190 (Ashley) / 605-380-4383 (Jerry)

REQUEST: Special Exception/Conditional Use for a "Doggy Daycare" boarding hotel for dogs to have a short term stay in a Mini Agriculture District (M-AG)

LEGAL DESCRIPTION: Outlot 14, of "Outlots 9 through 25, Jobee Acres" in NE1/4 of Section 27-T123N-R63W of the 5th P.M., Brown County, South Dakota

SIGNATURE: 
Aug. 6th, 2020

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 18, 2020 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

Want a "free" extra book?

By reviewing township Directory maps for correct information before we publish the next issue, FHP will send you a free book of any county in any state printed by FHP for that year.

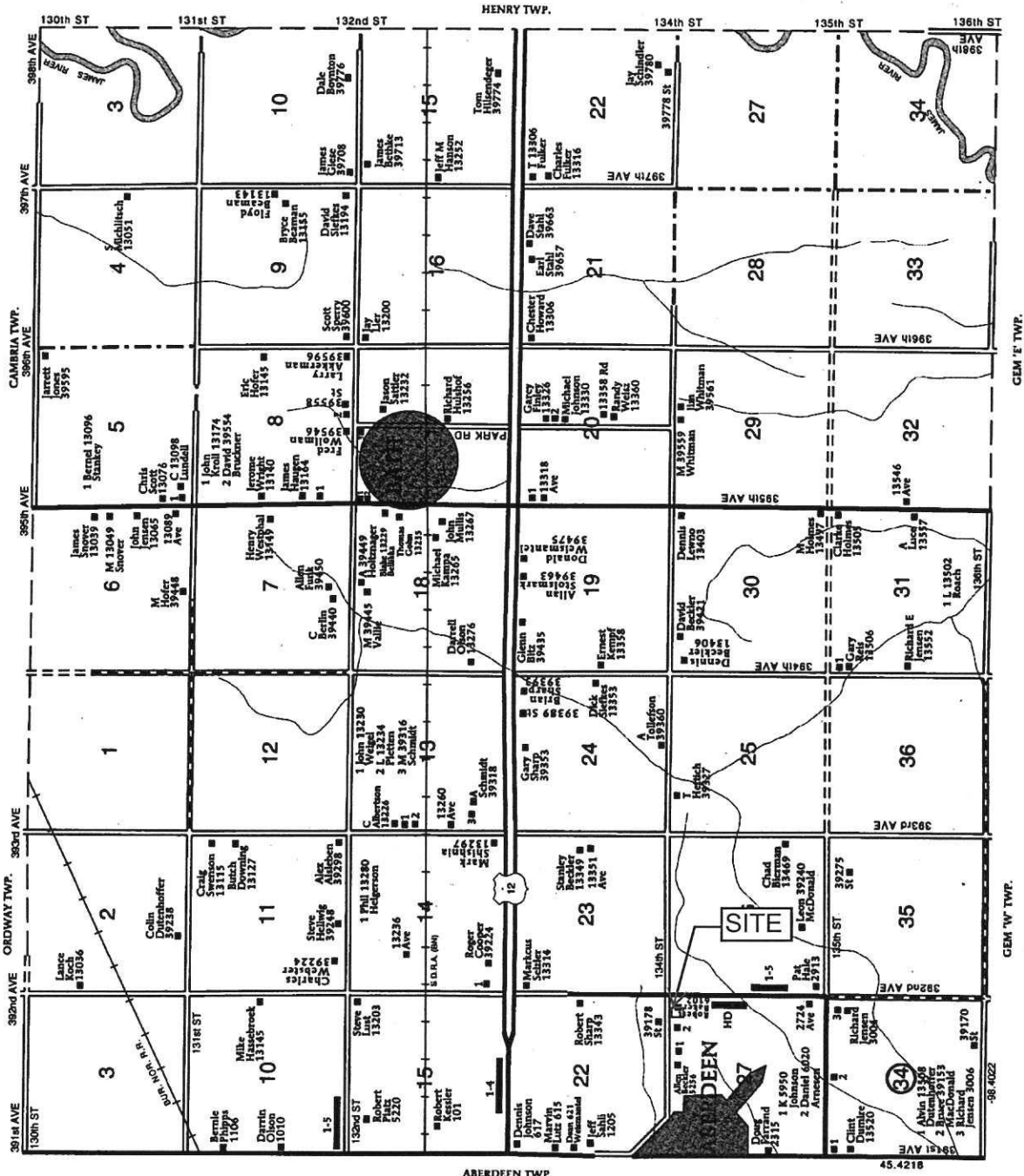
Contact our updating dept. at
800-685-7432-ext. 2605 or
 email: amanda.engebretson@farmandhomepublishers.com

T-123-N

BATH DIRECTORY

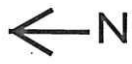
(Residents - Owners or Renters)

R-62-63-W



ABERDEEN TWP.

45.4218



BATH TOWNSHIP

- SECTION 10W
 - 1 Beckler, Ron 5005
 - 2 Tennant, Cory 5025
 - 3 5091
 - 4 Gross, Del 5115
 - 5 Harper, Steve 5219
- SECTION 15W
 - 1 Gossman, C 5405
 - 2 Eilers, Todd 5455
 - 3 Knudson, R 5485
 - 4 Gossman, S 5755
- SECTION 17
 - 1 Buecher, Jerry 13228
 - 2 Brintman, Stanley 13230
- SECTION 20
 - 1 Westphal, Henry 13316
 - 2 Rohrbach, Kevin 13328
- SECTION 28
 - 1 Bellikka, Daryl 2111
 - 2 Kohhase, Paul 2135
 - 3 Grisee, Doug 2215
 - 4 Rud, Robert 2317
 - 5 Meltem, R 2518

BROWN CO., SD

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a Special Exception/Conditional Use Petition. A hearing will be held in the basement of the Courthouse Annex, east Community Meeting Room on August 18, 2020 at 7:00 pm for the purpose of a Dog Boarding Hotel.

Petitioner / Owner: Ashley and Gerry McNeary / Robert Baker

Description of property: Outlot 14, of "Outlots 9 through 25, Jobee Acres" located in the NE1/4 of Section 27, Township 123 North, Range 63 West of the 5th P.M., Brown County, South Dakota (6102 134th St SE).

Reason: Special Exception/Conditional Use for a "Doggy Daycare" boarding hotel for dogs to have a short term stay.

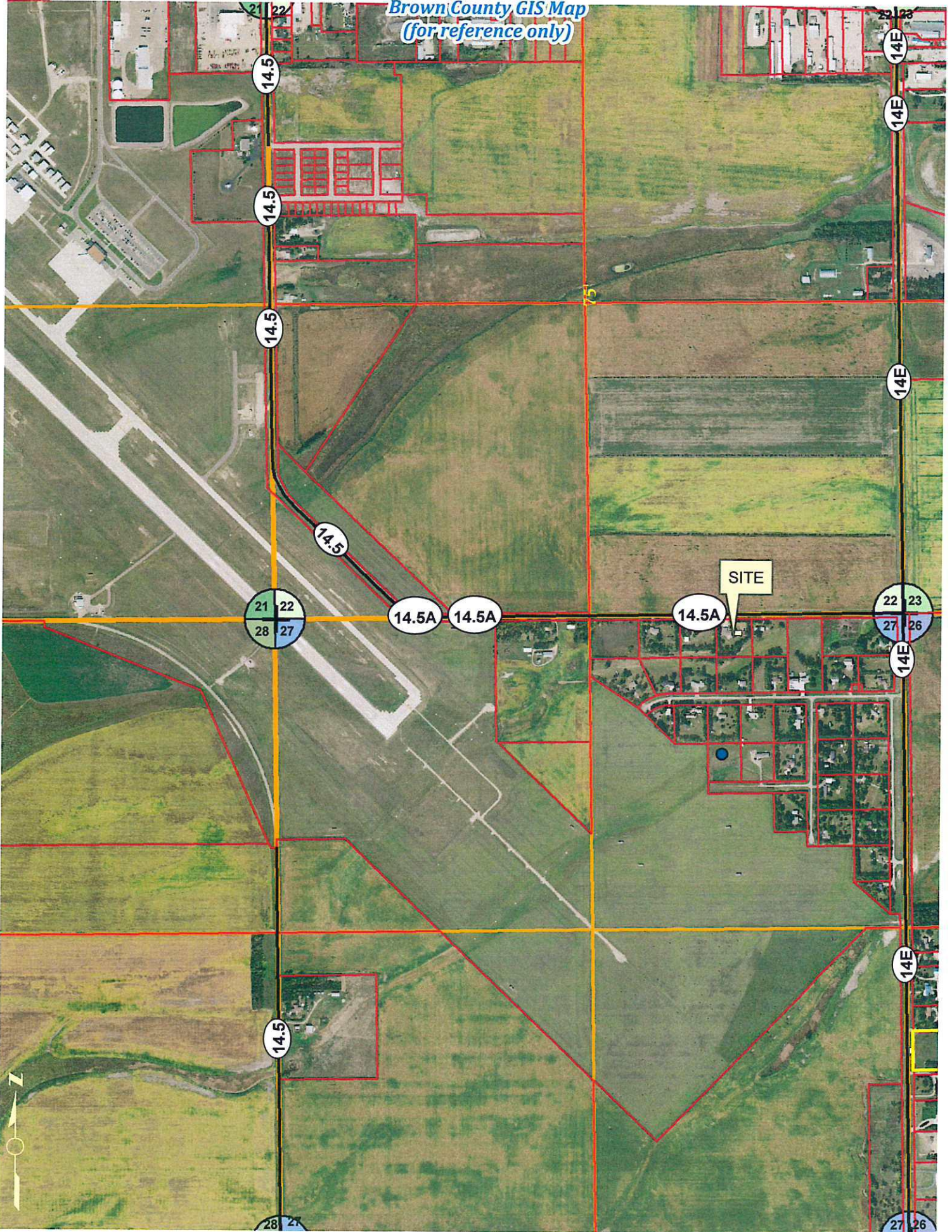
The public is invited to attend the hearing and to present comments and testimony regarding the proposed Special Exception/Conditional Use.

Dated this *5th day of August 2020*.

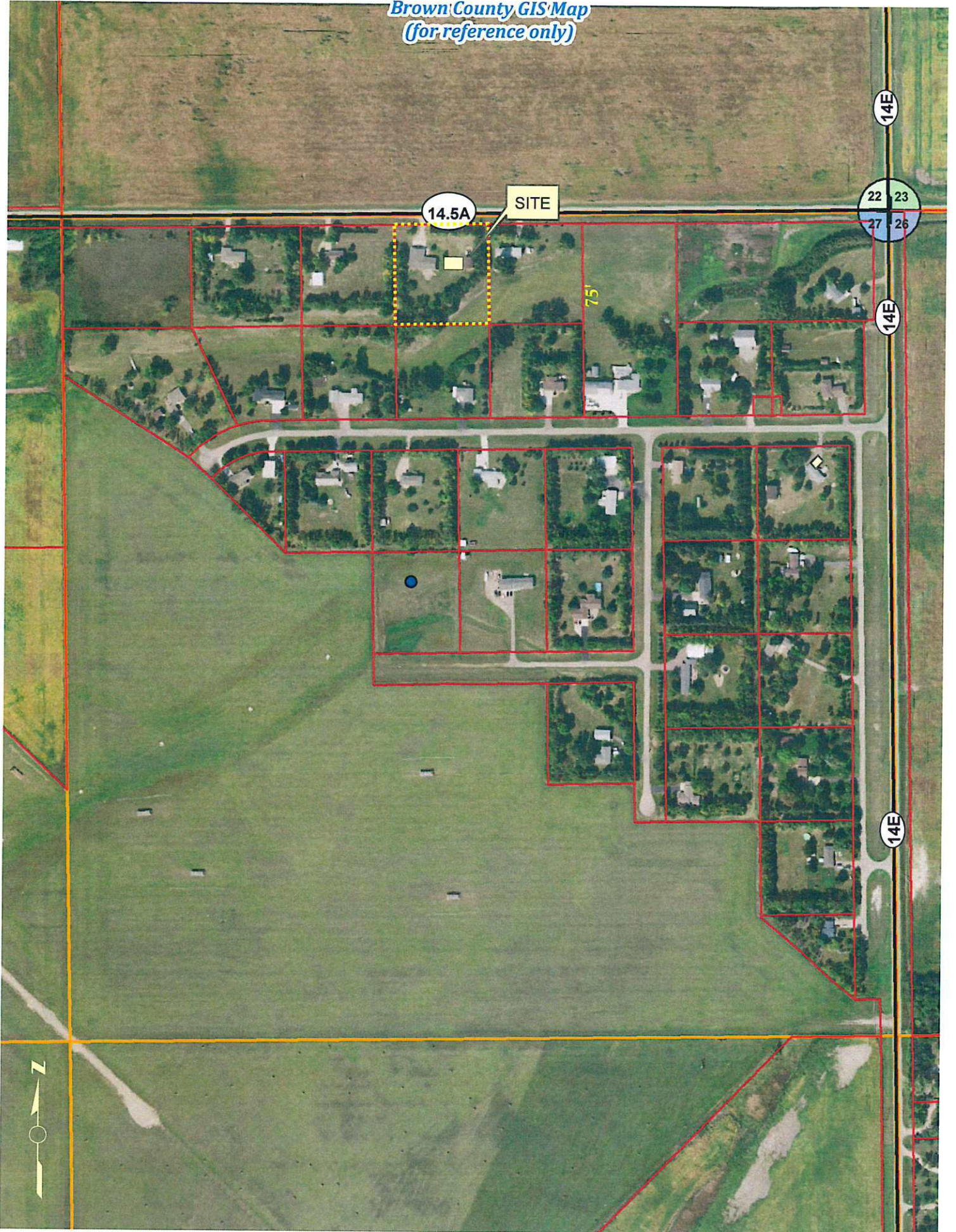
Planning/Zoning Commission &
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

Brown County GIS Map
(for reference only)



*Brown County GIS Map
(for reference only)*



*Brown County GIS Map
(for reference only)*

4492

SITE

14.5A

4599

4598

4597

4596

29545

4602

4603

4604

4605

ROAD ROW

4615


4614

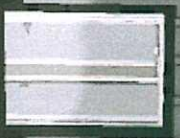
4613

4612

4611



Ashley's

Bed n Biscuits

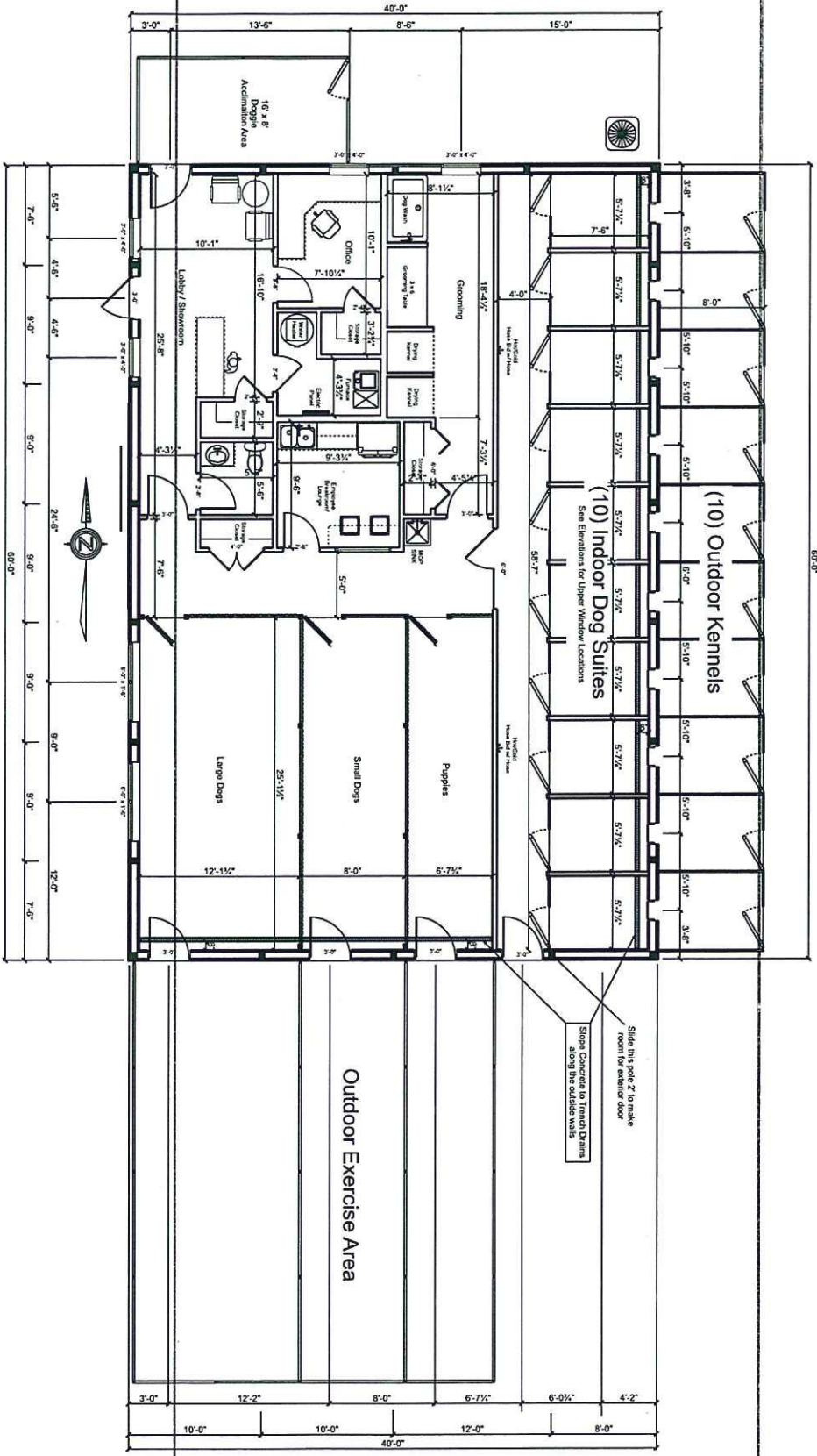








- GENERAL NOTES:
1. DRAWINGS FOR REFERENCE ONLY.
 2. ALL DIMENSIONS TO BE VERIFIED BY CONTRACTOR OR SUBCONTRACTOR.
 3. CONTRACTOR OR SUBCONTRACTOR RESPONSIBLE FOR ERRORS OR OMISSIONS.
 4. DRAWING AND DESIGN ARE THE PROPERTY OF QUEST CONSTRUCTION.



MAIN FLOOR
SCALE: 1/8" = 1'-0"

PROJECT NAME
 Bed n Biscuits--
 Dog Daycare
 Dog Boarding

DATE
 8.10.2020

DWG BY
 DRM

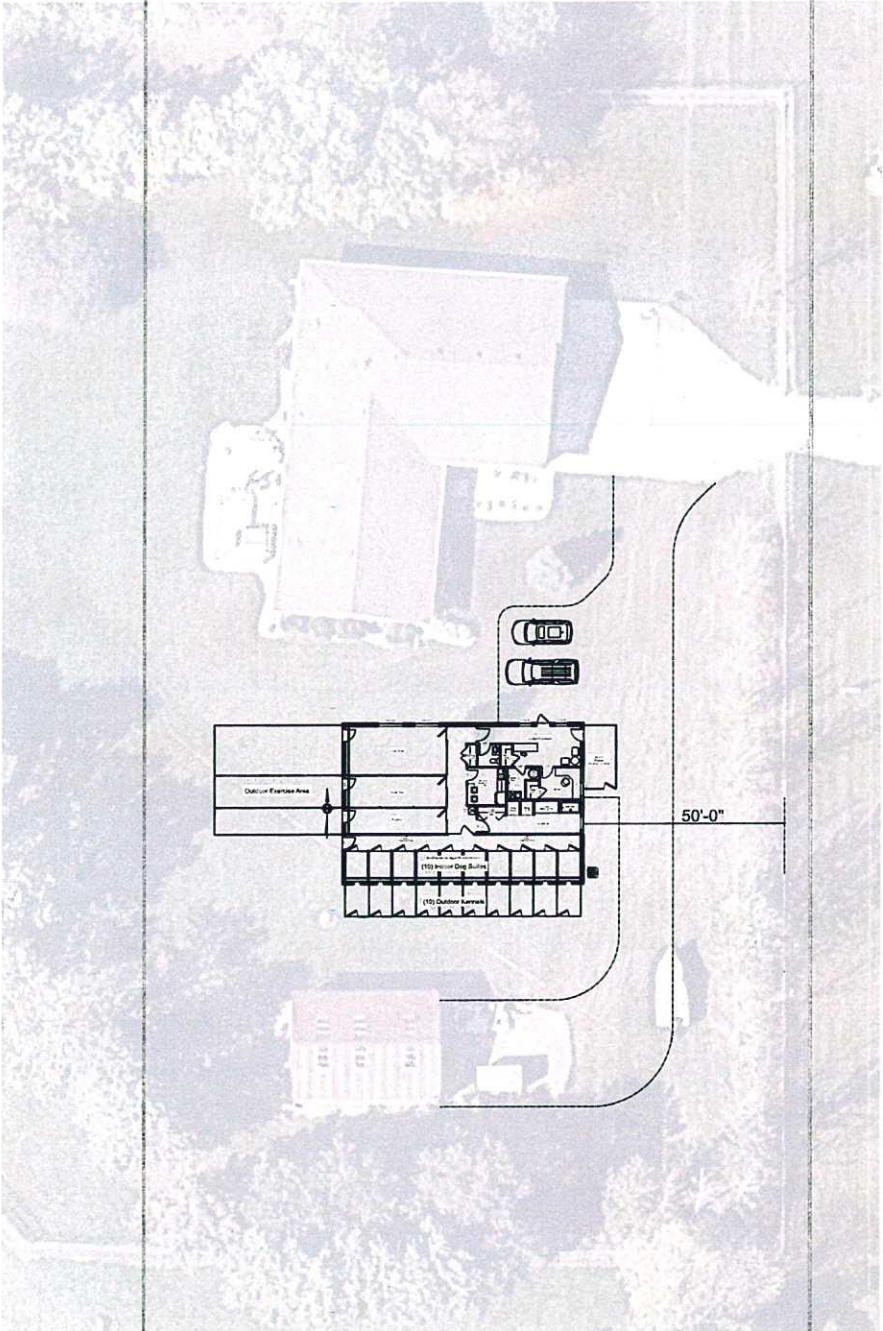
SCALE
 1/8" = 1'-0"

SHEET NO

TITLE



- GENERAL NOTES
- 1. DRAWINGS FOR REFERENCE ONLY.
 - 2. ALL DIMENSIONS TO BE VERIFIED BY CONTRACTOR ON SUBMITTAL.
 - 3. CONTRACTOR SHALL BE RESPONSIBLE FOR ERRORS OR OMISSIONS.
 - 4. DRAWING AND DESIGN ARE THE PROPERTY OF QUEST CONSTRUCTION.



TITLE

PROJECT NAME
**Bed n Biscuits--
Dog Daycare
Dog Boarding**

SCALE SHEET NO.

DATE
8.10.2020
DRAWN BY
DRM

SITE PLAN

SCALE: 1" = 30'-0"

STAFF REPORT
August 18, 2020

VARIANCE FOR BUILDING SETBACKS IN M-AG

ITEM # 02

GENERAL INFORMATION

PETITIONER	Jeremy Timm
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	Lot 8, Block 3, "Pleasant Valley Estates" in the SE1/4 of Section 30-T124N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	12861 E Pleasant Valley Dr
EXISTING ZONING	Mini-Agriculture District (M-AG)
SURROUNDING ZONING	
North:	Mini-Agriculture District (M-AG)
South:	Mini-Agriculture District (M-AG)
East:	Mini-Agriculture District (M-AG)
West:	Mini-Agriculture District (M-AG)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for a 10' setback from the west rear yard property line rather than the 25' required in a Mini-Agriculture District (M-AG) for a 26' x 36' moved-in shop building.

REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: July 15, 2020
RECEIPT # 139935
TOWNSHIP: Lincoln Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 8/4/2020

OWNERS SIGNATURE: Jeremy Timm 
OWNERS ADDRESS: 12861 E. Pleasant Valley Dr.
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-281-1077

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

REQUEST: Variance to Setbacks in a M-AG District to be 10' from the West rear yard property line rather than the 25' required for a new 26' x 36' moved in storage building.

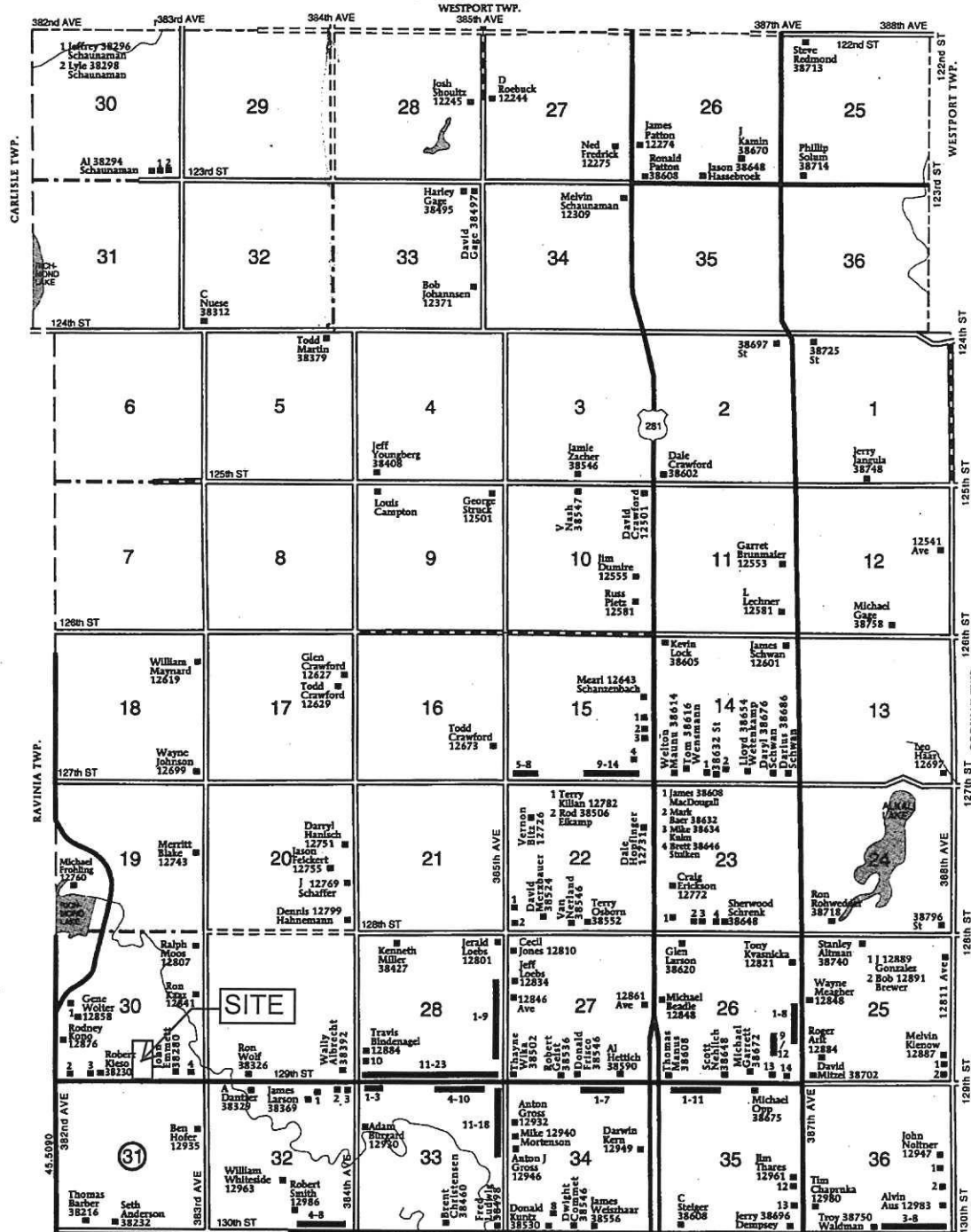
LEGAL DESCRIPTION: Lot 8, Block 3, "Pleasant Valley Estates" in the SE1/4 of Section 30-T124N-R64W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 18, 2020 **TIME:** 7:00pm

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



- LINCOLN TOWNSHIP**
- SECTION 14**
- Adams, John 38630
 - Mount, Bill 38634
- SECTION 15**
- Schaunaman, Chad 12657
 - Berg, Tom 12663
 - Heath, Pat 12667
 - Kiesz, Marvin 12685
 - Huetti, Roger 38502
 - Klapperich, Ed 38504
 - Frohling, Leslie 38512
 - Moore, Joe 38518
 - Williams, Eugene 38552
 - Black, Casey 38556
 - Mitcz, Michael 38560
 - Malsam, Adam 38570
 - Nelson, Mark 38574
 - Roso, R 38576

- SECTION 26S**
- Wetenkamp, Lloyd D 12847
 - Hedges, Kendall 12849
 - Labay, Richard 12851
 - Kolb, Myron 12855
 - 12857
 - Wachotz, B 12861
 - Simonson, Lee 12869
 - Rychlik, Jerald 12875
 - Keller, Mike 12862
 - Stein, Craig 12866
 - Hedge, Duane 12870
 - Call, Ty 12874
 - Wahl, Merle 38686
 - Punt, Lawayne 38690
- SECTION 28S**
- Drageset, Jamie 12833
 - Adolf, Gregory 12839
 - Hoeltzner, Curtis 12843
 - Wilkie, Chad 12845
 - Carlson, Cartor 12853

- SECTION 30S**
- Podoll, M 12852
 - Schlagel, Gene 38206
- SECTION 32S**
- Vining, Brad 12861
 - Aman, Dwight 12871
 - Kotzee, D 12881
 - Nordstrom, Allen 12891
 - Hauge, Chad 12888
 - Bitz, Marvin 38404
 - Gab, Dale 38406
 - Bitz, Sheldon 38412
 - Hamrich, Marc 38414
 - Bellikka, Neil 38424
 - Neiber, Danny 38434
 - Jakober, Glen 38452
 - Buechler, Todd 38460
 - Siefken, Lon 38464
 - Habeck, F 38474
 - Kamm, Casey 38478
 - Whitney, Charles 38484
 - Peterson, Kenneth 38488
- SECTION 30S**
- Podoll, M 12852
 - Schlagel, Gene 38206

- SECTION 32S**
- Lehr, Cary 38373
 - Otto, Randall 38393
 - Gosvener, Ken 12901
 - Martinmaas, Roger 38364
 - Thorntson, Casey 38370
 - Harms, Bruce 38374
 - Hartung, Mark 38386
 - Keller, Edward 38392
- SECTION 33S**
- Waltman, Frank 38405
 - Malsam, Ervin 38409
 - Krueger, Gerald 38413
 - Burt, Roy 38453
 - Sutton, Duane 38459
 - Aman, Bonnell 38463
 - Hagmann, Rick 38469
 - Allbie, M 38479

- SECTION 34S**
- Hartung, John 38549
 - Shilman, Larry 38557
 - Tarrell, Ron 38559
 - Odde, N 38563
 - Votzke, Randy 38567
 - Malsam, Melvin 38569
 - Igo, Loren 38591
 - Ritter, Loren 38534
- SECTION 35S**
- Fordham, Donald 38621

- SECTION 36S**
- Luitjens, Mark 38631
 - Hollan, Ray 38635
 - Hendrickson, J 38649
 - Antiker, Alvin 38655
 - Malsam, Joe 38629
 - Hanley, Tom 38630
 - Fix, Jeffrey 38637
 - Binder, Brandon 38643
 - Mercer, V 12911
 - Tchida, Melvin 12914
 - Thares, Clark 12969
 - Diede, James 12979
- SECTION 36S**
- Delager, John 12953
 - Hinds, Bill 12971
 - Waldman, Clarence 38756
 - Waldman, Galen 38762
 - Pence, Bryan 38766
 - Cowan, Richard 38770
 - Lonning, Stuart 38782
 - Bock, Jeff 38792

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on August 18, 2020 at 7:00 P.M. for the purpose of a Variance to Setbacks in a Residential District (R-1).

Petitioner / Owner: Jeremy Timm

Description of property: Lot 8, Block 3, "Pleasant Valley Estates" in the SE1/4 of Section 30-T124N-R64W of the 5th P.M., Brown County, South Dakota

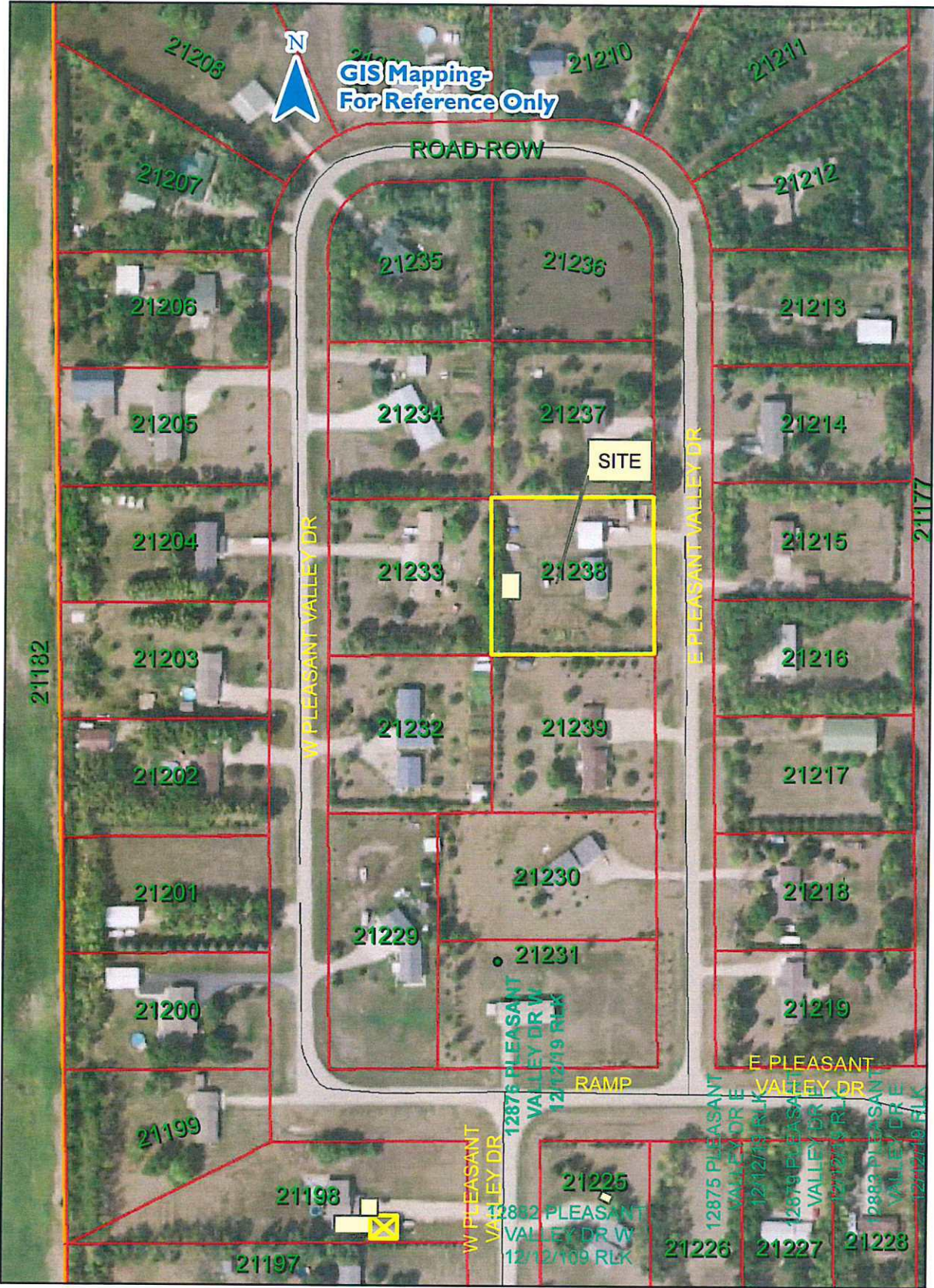
Reason: The petitioner is requesting a Variance for a 10' setback from the west rear yard property line rather than the 25' required in a Mini-Agriculture District (M-AG) for a 26' x 36' moved-in shop building.

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

Dated this 5th day of August 2020

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 _____.





STAFF REPORT
August 18, 2020

VARIANCE FOR BUILDING SETBACKS IN M-AG

ITEM # 03

GENERAL INFORMATION

PETITIONER	Matt Musel
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	Lot 2, "M & M Musel 1 st Subdivision" in the SE1/4 of Section 2-T123N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	3157 387 th Ave
EXISTING ZONING	Mini-Agriculture District (M-AG)
SURROUNDING ZONING	
North:	Mini-Agriculture District (M-AG)
South:	Mini-Agriculture District (M-AG)
East:	Municipal District (M)
West:	Mini-Agriculture District (M-AG)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to be 40' setback from the East Front Yard property line rather than the 100' required in a Mini-Agriculture District (M-AG) for a 40'x60' shop building.

GENERAL REVIEW: During and after review of this request, staff feels that this plat is very recent and this is just too much building in this small lot. There would not be much front yard left with all of the gravel driveway & bldg. The new house is 90' back from east front yard setback. The *placement of the property pin is unusual* being 5' in from east fence and 2' north of the north fence? Staff recommends downsizing the building to 40'x40' or 40'x60' with a setback of 40' from east front property line.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: July 21, 2020
RECEIPT # 139941
TOWNSHIP: Aberdeen Twp

FEES: \$100.00
PAID: (YES/NO) (CHK/CASH)
DATE: 8-6-20

OWNERS SIGNATURE: Matt Musel 
OWNERS ADDRESS: 3157 387th Ave
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-216-3313

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

REQUEST: Variance to Setbacks in a M-AG District to be 40' from the East front yard property line rather than the 100' required for a new 40' x 60' shop building.

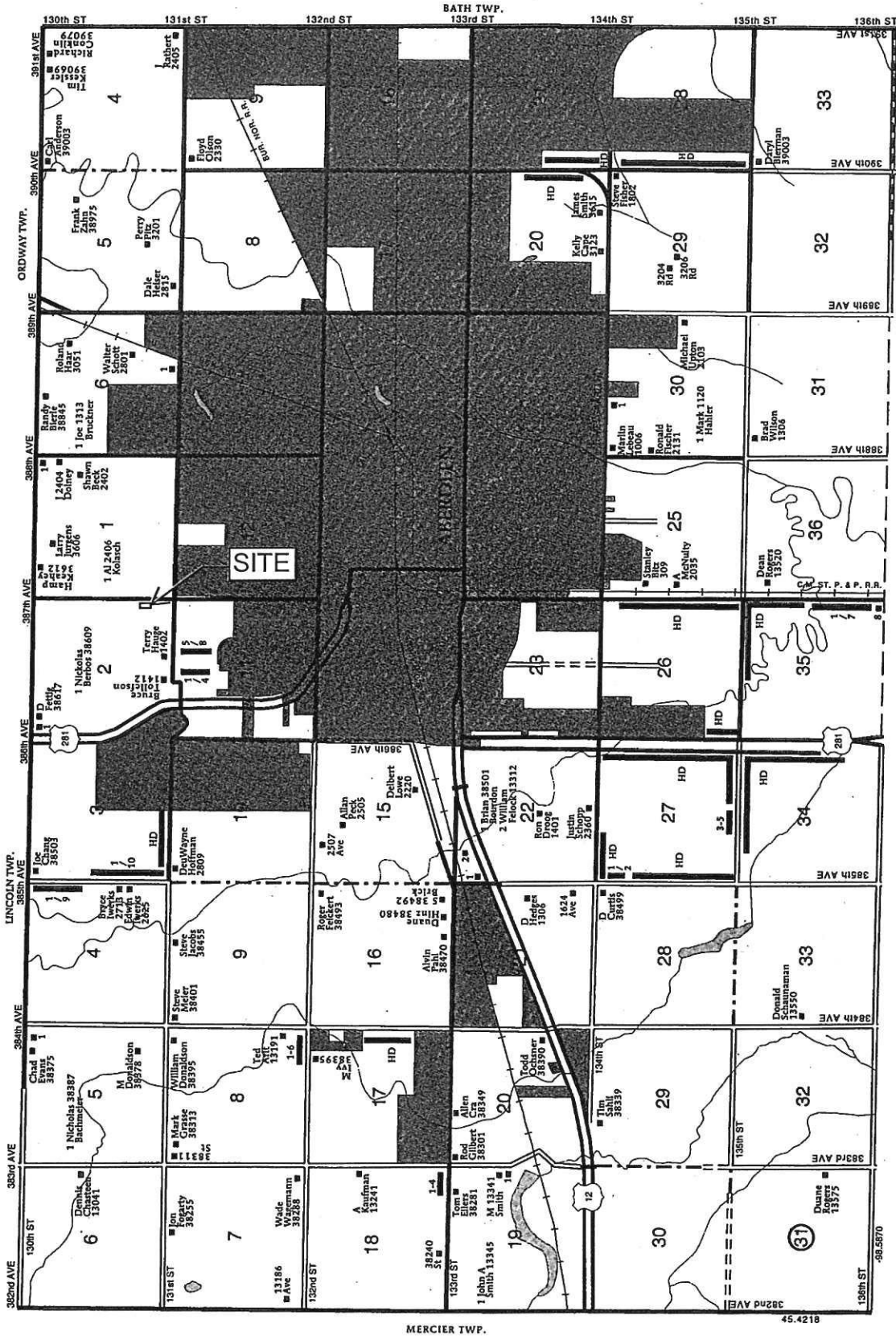
LEGAL DESCRIPTION: Lot 2, "M & M Musel 1st Subdivision" in the SE1/4 of Section 2-T123N-R64W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 18, 2020 **TIME:** 7:00pm

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



- SECTION 1**
 - 1 Joe 1313 Brudner
 - 1 AL2406 Kolarch
 - 1 Nicholas Berbos 38609
 - 1 Steve Jacobs 38493
 - 1 Nicholas Bachmeier 38387
 - 1 Denis 1304
 - 1 John A Smith 13345
- SECTION 2**
 - 2 Thrash, Peter 13561
 - 2 Hilgemann, Bryon 2328
 - 2 Terry Hauge 38402
 - 2 Steve Acier 38401
 - 2 Mose, Kevin 3229
 - 2 Zacher, Leland 2602
- SECTION 3**
 - 3 Swanson, Eriean 13569
 - 3 Mauritzson, John 2324
 - 3 Steve Acier 38401
 - 3 Heintzman, Rob 2708
 - 3 Senst, Jeff 2610
- SECTION 4**
 - 4 Boeddeker, William
 - 4 Volzke, Dennis 2322
 - 4 Zimmer, Kyle 38396
 - 4 Fisher, Paul 3125
 - 4 Retziuff, Fred 3105
 - 4 Newman, Mary 3021
 - 4 Heintzman, Rob 2708
 - 4 Zacher, Leland 2602
- SECTION 5**
 - 5 Robinson, Randall 13575
 - 5 Aberle, Arthur 38548
 - 5 Dahme, Art 38282
 - 5 Kolatea, Joe 2327
 - 5 Lipp, Leon 2325
 - 5 Felckert, David 38382
 - 5 Darling, Roger 38388
- SECTION 6**
 - 6 Rahm, Marlon 13579
 - 6 Schwan, Christopher
 - 6 Wherry, Lavar 38290
 - 6 Dreis, K 38296
 - 6 Strelor, Steve 38390
 - 6 Bltz, Robert 38392
 - 6 Zimmerman, Arnold 2815
 - 6 Brzezinski, Thomas
 - 6 VanderHoek, Corey 3213
 - 6 Goehring, Laneu 3205
 - 6 Dykema, Clay 3133
- SECTION 7**
 - 7 Ermer, T 2536
 - 7 Paulsen, William 1823
 - 7 Eichinger, John 38280
 - 7 Conrads, D 2323
 - 7 Retzer, Robert 2330
- SECTION 8**
 - 8 Thrash, Peter 13561
 - 8 Hilgemann, Bryon 2328
 - 8 Terry Hauge 38402
 - 8 Steve Acier 38401
 - 8 Mose, Kevin 3229
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- SECTION 22**
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- SECTION 23**
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- SECTION 24**
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 - 25 Darling, Roger 38388
- SECTION 26**
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 - 26 Felckert, David 38382
 - 26 Darling, Roger 38388
- SECTION 27**
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 - 27 Dahme, Art 38282
 - 27 Kolatea, Joe 2327
 - 27 Lipp, Leon 2325
 - 27 Felckert, David 38382
 - 27 Darling, Roger 38388
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 - 28 Lipp, Leon 2325
 - 28 Felckert, David 38382
 - 28 Darling, Roger 38388
- SECTION 29**
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 - 29 Dahme, Art 38282
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 - 29 Felckert, David 38382
 - 29 Darling, Roger 38388
- SECTION 30**
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 - 30 Dahme, Art 38282
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 - 30 Lipp, Leon 2325
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- SECTION 31**
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- SECTION 35**
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 - 36 Darling, Roger 38388

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on August 18, 2020 at 7:00 P.M. for the purpose of a Variance to Setbacks in a Mini-Agriculture District (M-AG).

Petitioner / Owner: Matt Musel

Description of property: Lot 2, "M & M Musel 1st Subdivision" in the SE1/4 of Section 2-T123N-R64W of the 5th P.M., Brown County, South Dakota (3157 387th Ave).

Reason: A Variance to Setbacks to be 40' from the East Front Yard property line rather than the 100' required in a Mini-Agriculture District (M-AG) for a 40' x 60' shop building.

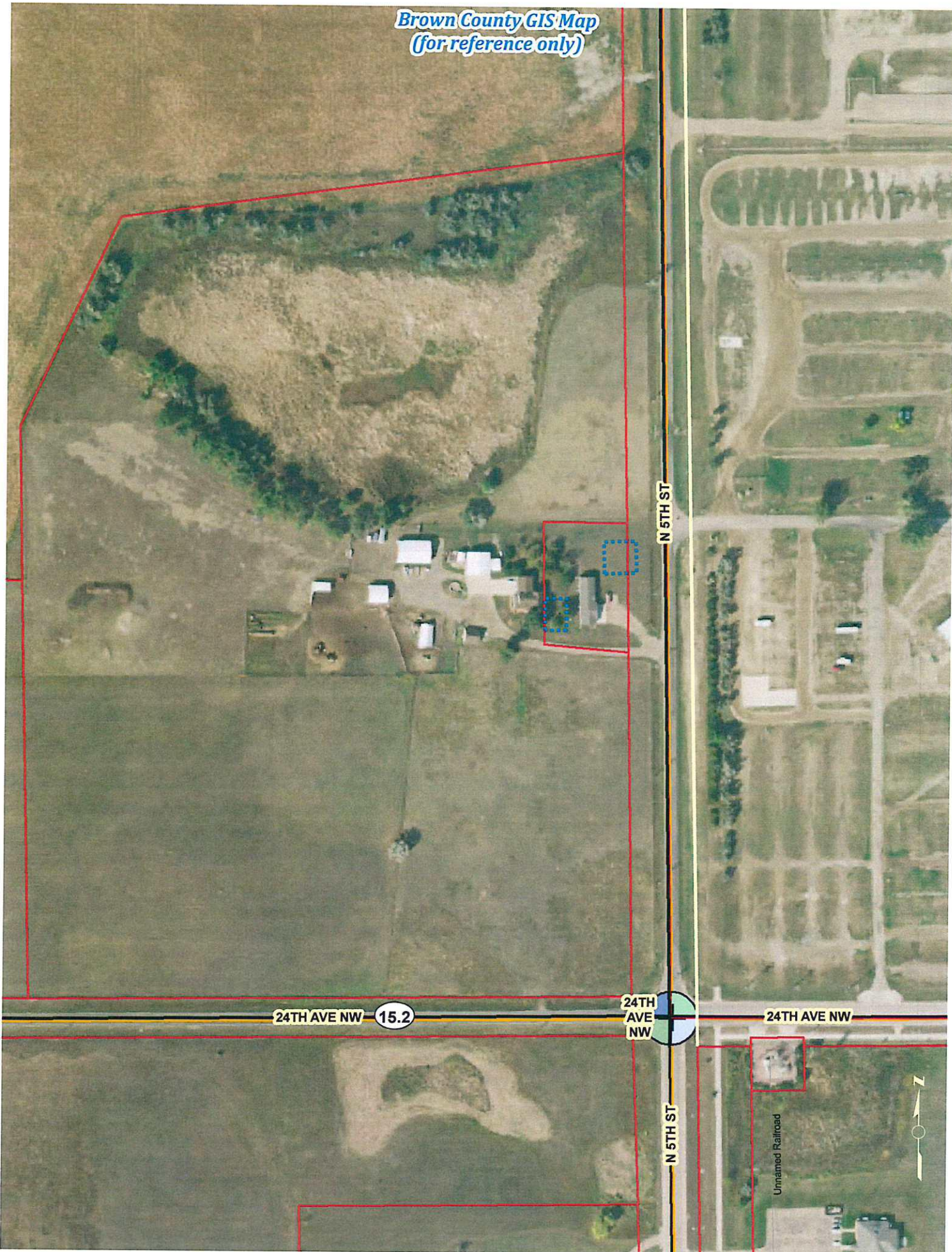
The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 8th day of August 2020

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 _____.

*Brown County GIS Map
(for reference only)*



24TH AVE NW 15.2

N 5TH ST

24TH AVE NW

24TH AVE NW

N 5TH ST

Unnamed Railroad

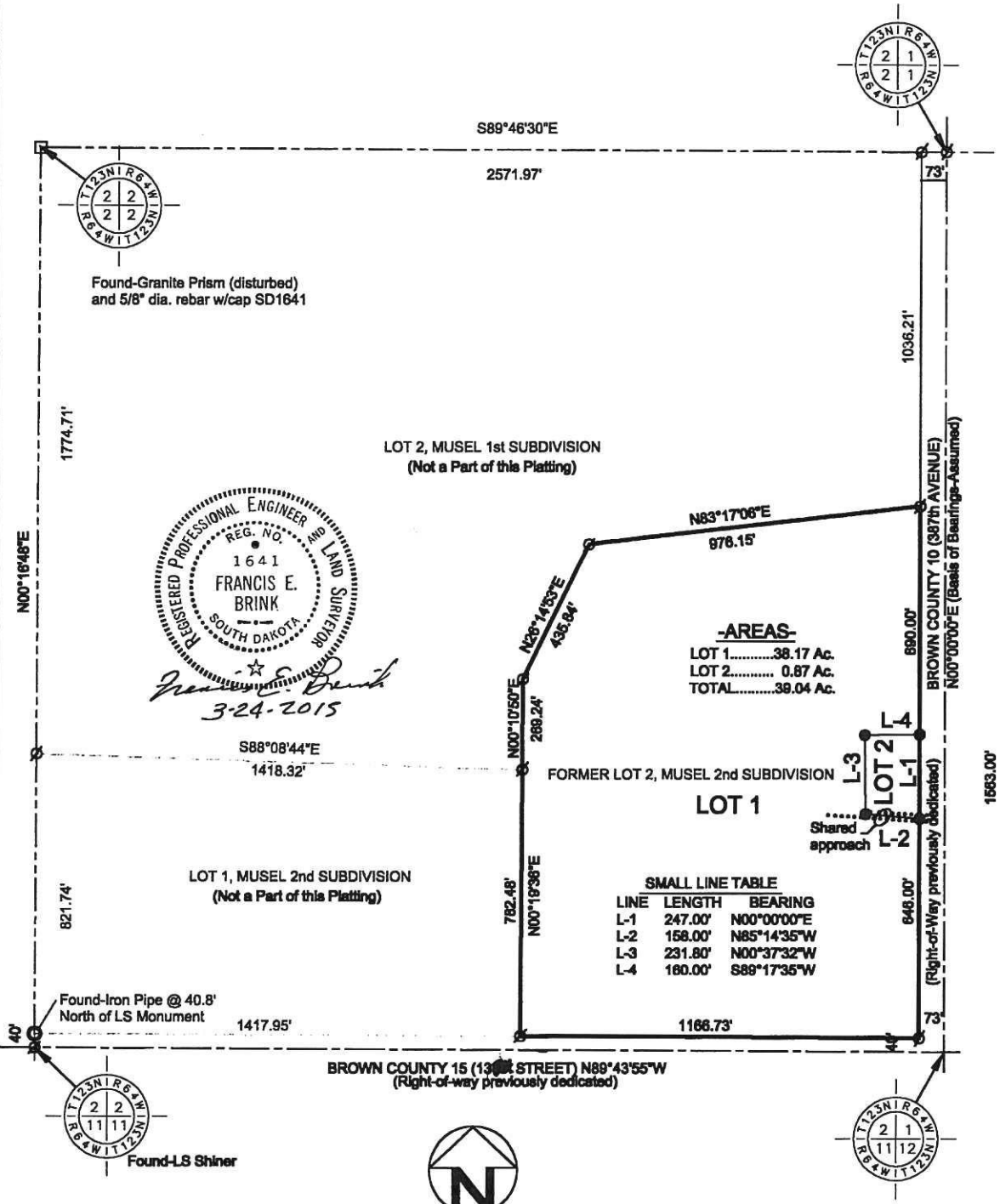


*Brown County GIS Map
(for reference only)*

N 5TH ST 10.5

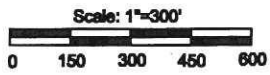


**M & M MUSEL 1st SUBDIVISION IN
SE1/4 SEC. 2-T123N-R64W of 5th P.M.
BROWN COUNTY, SOUTH DAKOTA
(being a subdivision of Lot 2, Musel 2nd Subdivision)**



Francis E. Brink
 3-24-2015

- LEGEND**
- Monuments Found:
 - Rebar w/LS caps
 - Iron Pipe
 - Granite Prism
 - Monuments Set:
 - 5/8" dia. rebar w/cap SD1641



HIGHWAY AUTHORITY CERTIFICATE

The location of approach accesses for Lots 1 and 2 are hereby approved.
 By: *[Signature]* 5/8/15
 For the Brown County Highway Department Date

Title: Brown County Highway Dept.

Prepared By:
 Francis E. Brink, P.E., L.S., SD1641
 616-4th Street North, Aberdeen, SD 57401
 Tel (605) 225-8181

INSTR. NO. 368

EX 271 PAGE 509

99 MAR 17 PM 1:22

WARRANTY DEED

CAROL ANN
BROWN O.S. OAK
REGISTER OF DEEDS

Roger E. Warfield, a married person, Grantor of Guilford County, State of North Carolina, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to

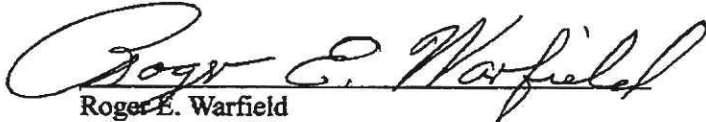
MARK A. MUSEL AND MARCIA R. MUSEL,

husband and wife as joint tenants with right of survivorship and not as tenants in common, Grantees of 3155 N. Brown County 10, Aberdeen, South Dakota 57401, the following described real estate in the County of Brown, State of South Dakota:

SE $\frac{1}{4}$ of Section 2, Township 123 North, Range 64 West of the Fifth P.M., except a strip of land 160 rods in length and 2 rods in width running north and south along the east side of the SE $\frac{1}{4}$ for highway purposes, except a strip of land parallel to and abutting the regular public road right-of-way along the south side of the SE $\frac{1}{4}$, said strip of land being 7 feet wide and 2,589 feet long and extending from the north and south borderline of Section 2 to the west right-of-way line of Brown County 10 (old U.S. Highway 281), Brown County South Dakota.

Grantor covenants that neither he nor any member of his family reside upon or claim a homestead interest in said property.

Dated this 9th day of March, 1999.


Roger E. Warfield

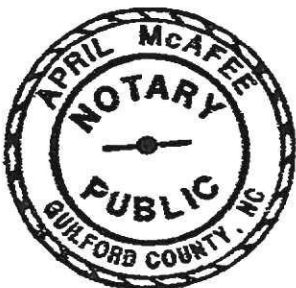
STATE OF NORTH CAROLINA)

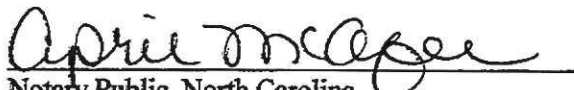
TRANSFER FEE PAID \$ 72⁵⁰

COUNTY OF Guilford

On this 9th day of March, 1999, before me, the undersigned officer, personally appeared Roger E. Warfield, a married person, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

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




Notary Public, North Carolina
My Commission Expires: 7-5-2000

WEB WATER DEVELOPMENT ASSOCIATION, INC.
RIGHT-OF-WAY EASEMENT

Grantor: Matthew Adam Musel

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 27 day of July, 2015.

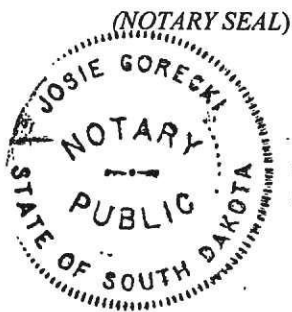
x Matthew Adam Musel

STATE OF South Dakota)
COUNTY OF Brown) SS

On this the 27th day of July, 2015, before me Josie Gorecki,
the undersigned officer, personally appeared Matthew Adam Musel

known to me or satisfactorily proven to be the person _____ whose name IS subscribed to the within
instrument and acknowledged that _____ he _____ executed the same for the purposes therein contained.

In witness whereof I here unto set my hand and official seal.



Josie Gorecki
Notary Public

My Commission Expires: 8/29/2018

INSTRUMENT NO. 2015005658
BOOK: 137MR MISCELLANEOUS
PAGE: 743

Pages: 2



Prepared By:
WEB WATER DEVELOPMENT ASSOCIATION, INC.
38462 – US Hwy 12
PO Box 51, Aberdeen, SD 57402-0051
(605-229-4749)

2015/10/09 11:10:16 AM

CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 20.00
Return To: WEB WATER DEVELOPMENT ASSOCIATION

RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS—

In consideration of One Dollar (\$1.00) and other good and valuable consideration paid to

Matthew Adam Musel

Hereinafter referred to as GRANTOR, by the WEB Water Development Association, Inc., hereinafter referred to as GRANTEE the receipt of which is hereby acknowledged, the GRANTOR does hereby grant, bargain, sell, transfer and convey unto the GRANTEE, its successor and assigns, a perpetual easement with the right to erect, construct, install, lay, extend and add to said water pipeline in the future, whether or not such extension or addition benefits GRANTOR or his land, and thereafter use, operate, inspect, repair, maintain, replace and remove water pipes, connections, valves and all other devices used in connection with the operation of a rural water system, over, across and through the land of the GRANTOR, situated in Brown County, State of South Dakota, said land being described as follows:

Lot 2, M & M Musel 1st Subdivision in the SE ¼ of Section 2, Township 123 Norht, Range 64 West

Together with the right of ingress and egress over the adjacent lands of the GRANTOR, his successors and assigns for the purposes of this easement.

The easement shall be thirty (30) feet in width, the center line of which is described as follows: Fifteen (15) feet on each side of the center line of the pipeline as constructed, and insofar as possible the center line shall be Fifteen (15) feet inside of the fence line which fence line is the boundary of the property of the GRANTORS.

The consideration hereinabove recited shall constitute payment in full for any damages to the land of the GRANTOR, his successors and assigns, by reason of the installation, operation and maintenance of the structures or improvements referred to herein. The GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the GRANTOR, his successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

CT
2

Prepared by: William D. Gerdes
104 S. Lincoln St., Ste. 111, PO Box 1239
Aberdeen, SD 57402-1239
Telephone: (605) 622-2100

INSTRUMENT NO. 2015003861
BOOK: 298 DEED
PAGE: 440
TRANSFER FEE: \$ 0.50
PAID
2015/07/22 02:22:47 PM

Pages: 1



CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 30.00
Return To: CT

WARRANTY DEED

Mark A. Musel and Marcia R. Musel, husband and wife, of 3155 North Brown Co. 10, Aberdeen, SD 57401, Grantors, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANT, CONVEY AND WARRANT to Matthew Adam Musel, Grantee, of 3155 North Brown Co. 10, Aberdeen, SD 57401, the following described real estate in the County of Brown, State of South Dakota:

Lot 2, M & M Musel 1st Subdivision in Southeast Quarter of Section 2, Township 123 North, Range 64 West of the 5th P.M., according to the plat thereof of record, Brown County, South Dakota

Subject to easements, restrictions and reservations of record, if any.

Dated July 22nd, 2015.

Dated 7/22, 2015.

[Signature]
Mark A. Musel

[Signature]
Marcia R. Musel

State of South Dakota
County of Brown

On this the 22nd day of July, 2015, before me, the undersigned officer, personally appeared Mark A. Musel and Marcia R. Musel, known to me or satisfactorily proven to be the persons whose names are 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.



[Signature]
Notary Public - South Dakota
My commission expires: 4/06/2018

CERTIFICATE OF REAL ESTATE VALUE [SDCL 7-9-7(4)]

COURTHOUSE USE ONLY
 Book _____ Page _____
 Ratio Card No _____

STATE OF SOUTH DAKOTA COUNTY OF BROWN

Sellers: Mark A. Musel and Marcia R. Musel ()
 Name Phone Number
 Mailing Address: 3155 North Brown Co. 10 Aberdeen SD 57401
 Street/Box Number City State/Zip Code
 Buyers: Matthew Adam Musel ()
 Current Name Phone Number
 Mailing Address: 3155 North Brown Co. 10 Aberdeen SD 57401
 New Street/Box Number City State/Zip Code
 Mailing Address: _____
 Street/Box Number City State/Zip Code

OWNER OCCUPIED - THIS BOX TO BE COMPLETED BY BUYER ONLY

These items are important to complete for property to continue to be classified as owner occupied for a lower property tax rate.

Property is currently classified as owner-occupied YES ___ NO ___
 Property will be occupied by buyer on _____ (date) YES ___ NO ___
 Property will be principal residence of buyer on the above stated date YES ___ NO ___
 Do you own any other residential property in the United States? YES ___ NO ___ If yes, state location _____

Signature (BUYER ONLY) _____

Legal Description (Please include the number of acres for unplatted properties)

Lot 2, M & M Musel 1st Subdivision in Southeast Quarter of Section 2, Township 123 North, Range 64 West of the 5th P.M., according to the plat thereof of record, Brown County, South Dakota

(1) Date of Instrument 7/22/15

(2) Type of Instrument:

Contract for Deed _____	Executor's Deed _____	Mineral Deed _____
Quit Claim Deed _____	Trustee's Deed _____	Gift _____
Warranty Deed <u>X</u>	Administrator's Deed _____	Other (Specify) _____

(3) Items Involved in Transaction

(a) Was this property offered for sale to the general public YES ___ NO X (d) Actual Consideration Exchanged. \$ 1.00
 (b) Relationship between buyer and seller? YES X NO ___ (e) Adjusted price paid for real estate \$ _____
 © Property was sold by owner X agent _____ (actual consideration less amount paid for major items of personal property which are listed below)

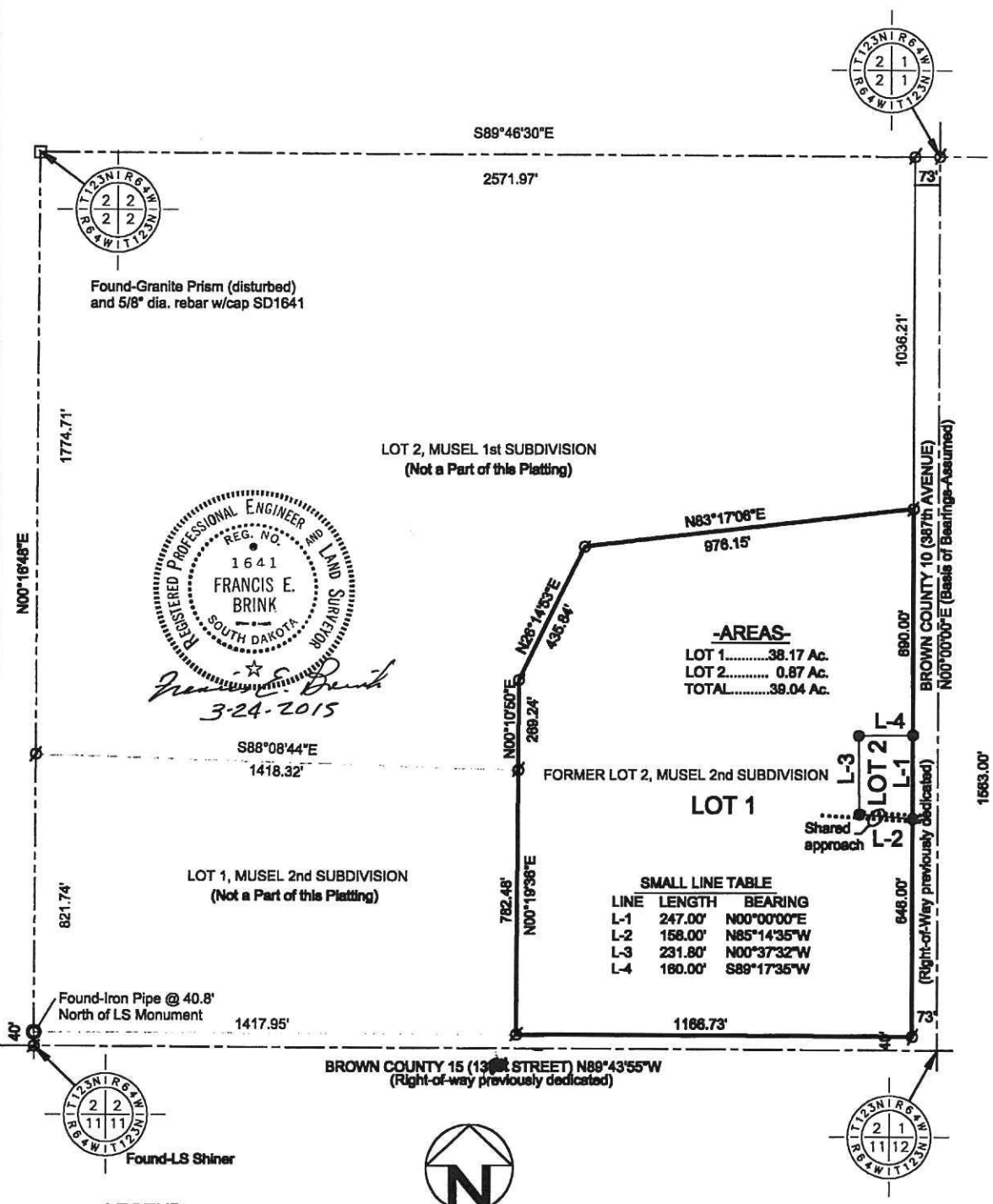
In the blanks below, list any major items of personal property and their value which were included in the total purchase price (i.e. furniture, inventory, crops leases, franchises): _____

(4) Was there Buyer Financing YES X NO ___ If yes, items (a) and (b) below MUST be completed

(a) Type of Buyer Financing - Check where applicable	(b) Contract for Deed YES ___ NO ___ (If yes, MUST complete items below)
Conventional Bank Loan <u>X</u>	Down Payment _____
Cash Sale _____	Monthly/Yearly Payment _____ Interest Rate _____
FHA, FmHA, SDHA Loan _____	No. of Payments _____ Balloon Payment _____
Contract for Deed _____ (must complete part (b))	

Mark A. Musel
 (Signature of Seller, Buyer of agent of _____)
7-22-2015
 (Date)

**M & M MUSEL 1st SUBDIVISION IN
SE1/4 SEC. 2-T123N-R64W of 5th P.M.
BROWN COUNTY, SOUTH DAKOTA
(being a subdivision of Lot 2, Musel 2nd Subdivision)**



Francis E. Brink
 3-24-2015

-AREAS-

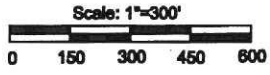
LOT 1.....	38.17 Ac.
LOT 2.....	0.87 Ac.
TOTAL.....	39.04 Ac.

SMALL LINE TABLE

LINE	LENGTH	BEARING
L-1	247.00'	N00°00'00"E
L-2	158.00'	N85°14'35"W
L-3	231.80'	N00°37'32"W
L-4	180.00'	S89°17'35"W

LEGEND

- Monuments Found:
- ⊙ Rebar w/LS caps
 - Iron Pipe
 - Granite Prism
- Monuments Set:
- 5/8" dia. rebar w/cap SD1641



HIGHWAY AUTHORITY CERTIFICATE

The location of approach accesses for Lots 1 and 2 are hereby approved.

By: *SDR* 5/8/15

For the Brown County Highway Department Date

Title: Brown County Highway Spt.

Prepared By:
Francis E. Brink, P.E., L.S., SD1641
616-4th Street North, Aberdeen, SD 57401
Tel (605) 225-8181

M & M MUSEL 1ST SUBDIVISION IN SE1/4 SEC. 2-T123N-R64W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA

(Being a subdivision of Lot 2, Musel 2nd Subdivision)

Sheet 2 of 3

OWNER'S CERTIFICATE

We, Mark A. Musel and Marcia R. Musel, husband and wife, hereby certify that we are the owners of Lot 2, Musel Second Subdivision in SE1/4 Sec. 2-T123N-R64W, Brown County, South Dakota, and are vacating the plat of said Lot 2, with this platting and did authorized a survey and replat of said described property which shall hereafter be known as "M & M MUSEL 1ST SUBDIVISION IN SE1/4 SEC. 2-T123N-R64W of the 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.

Mark A. Musel 3-25-2015 Marcia R. Musel 3-25-2015
Mark A. Musel Date Marcia R. Musel

ACKNOWLEDGEMENT OF OWNERS

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN)

On this, the 25th day of March, 2015, before me, Francis E. Brink, a Notary Public, appeared Mark A. Musel and Marcia R. Musel, personally known to me or satisfactorily proven to me to be the individuals named above and signed the above OWNER'S CERTIFICATE for the purposes therein contained.

My Commission Expires: 2-12-2020 Francis E. Brink
Notary Public, South Dakota



SURVEYOR'S CERTIFICATE

I, Francis E. Brink, Licensed Land Surveyor, do hereby certify that at the request of the Owners shown above, have surveyed and platted "M & M MUSEL 1ST SUBDIVISION IN SE1/4 SEC. 2-T123N-R64W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat; have shown monuments found and set thereon, and to the best of my knowledge, said survey and plat are true and correct.

Signed this 24th day of March, 2015 Francis E. Brink
South Dakota Licensed Land Surveyor No. SD1641

CITY PLANNING COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the Planning Commission of the City of Aberdeen, South Dakota, at a meeting held on the 21st day of April, 2015. Karl Albert

Finance Officer, Aberdeen, South Dakota

"Be it resolved by the City Planning Commission of Aberdeen, South Dakota, that the plat showing "M & M MUSEL 1ST FIRST SUBDIVISION IN SE1/4 SEC. 2-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 11-6, and any amendments thereof.



CITY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the City Commission of Aberdeen, South Dakota, at a meeting held on the 27th day of April, 2015. Karl Albert

Finance Officer, City of Aberdeen, South Dakota

"Be it resolved by the City Commission of Aberdeen, South Dakota, that the plat showing "M & M MUSEL 1ST SUBDIVISION IN SE1/4 SEC. 2-T123N-R64W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined, is hereby approved in accordance with provisions of SDCL of 1967 Chapter 11-3, and any amendments thereof.



M & M MUSEL 1ST SUBDIVISION IN SE1/4 SEC. 2-T123N-R64W of 5th P.M., BROWN COUNTY, SOUTH DAKOTA

(Being a subdivision of Lot 2, Musel 2nd Subdivision)

Sheet 3 of 3

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 21st day of April, 2015. [Signature]

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 "M & M MUSEL 1ST SUBDIVISION IN SE1/4 SEC. 2-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 12 day of May, 2015. [Signature]

County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "M & M MUSEL 1ST SUBDIVISION IN SE1/4 SEC. 2-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.

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 27th day of April, 2015.



[Signature]
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATION

I hereby certify that I have received a copy of this plat this 11th day of May, 2015.

[Signature]
Director of Equalization, Brown County, South Dakota

REGISTER OF DEED'S CERTIFICATION

Filed for record this 14th day of May, 2015, at 2:20 o'clock P.M., and duly recorded in Book of Plats

No. 3173

[Signature]
Register of Deeds, Brown County, South Dakota

INSTRUMENT NO. 2015002381
BOOK: 2 PLAT
PAGE: 3173

Pages: 3



2015/05/14 02:22:43 PM

CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 60.00
Return To: FILED

*Brown County GIS Map
(for reference only)*

N 5TH ST 10.5



*Brown County GIS Map
(for reference only)*

Brown County P&Z Department recommends that the owner build a shop at 40' wide rather than 60'. There are right-of-way concerns for winter months and easement lines that are in question. CSB

This should be the Section Line location

Property Corner

Web Water Easement

40'x60' shop

60'x60' Shop

Drain field area

WEB Dist. Secondary

WEB Distribution Service

N 5TH ST

WEB Distribution Service

25'

45'

85'-90' (?)

$33'+33'+07'+90' = 163'$

WEB Water shut-offs for 2 services



STAFF REPORT
August 18, 2020

Spec Exc/Conditional Use for Business

ITEM # 04

GENERAL INFORMATION

PETITIONER	Adam Altman
REQUEST	Special Exception/Conditional Use for a business in a Mini-Agriculture District (M-AG).
LEGAL DESCRIPTION	The West 400' of the East 950' of the North 500' in the NW1/4 of Section 25-T124N-R64W of the 5th P.M., Brown County, South Dakota
LOCATION	38741 128 th St
EXISTING ZONING	Mini-Agriculture District (M-AG)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Conditional Use for a Federal Firearms Licensed home business in a Mini-Agriculture District (M-AG).

REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: 07/21/2020
RECEIPT # 139924
TOWNSHIP: Lincoln Twp


FEES: \$200.00
PAID: (YES/NO) (CHK) CASH
DATE: 7/30/20

OWNERS SIGNATURE: Adam Altman
OWNERS ADDRESS: 38741 128th St
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-229-5606

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

REQUEST: Special Exception/Conditional Use for a Federal Firearms Licensed home business
in a Mini Agriculture District (M-AG)

LEGAL DESCRIPTION: The West 400' of the East 950' of the North 500' in NW1/4
of Section 25-T124N-R64W of the 5th P.M., Brown County, South Dakota

SIGNATURE: 

Planning Commission Action: Approved / Denied

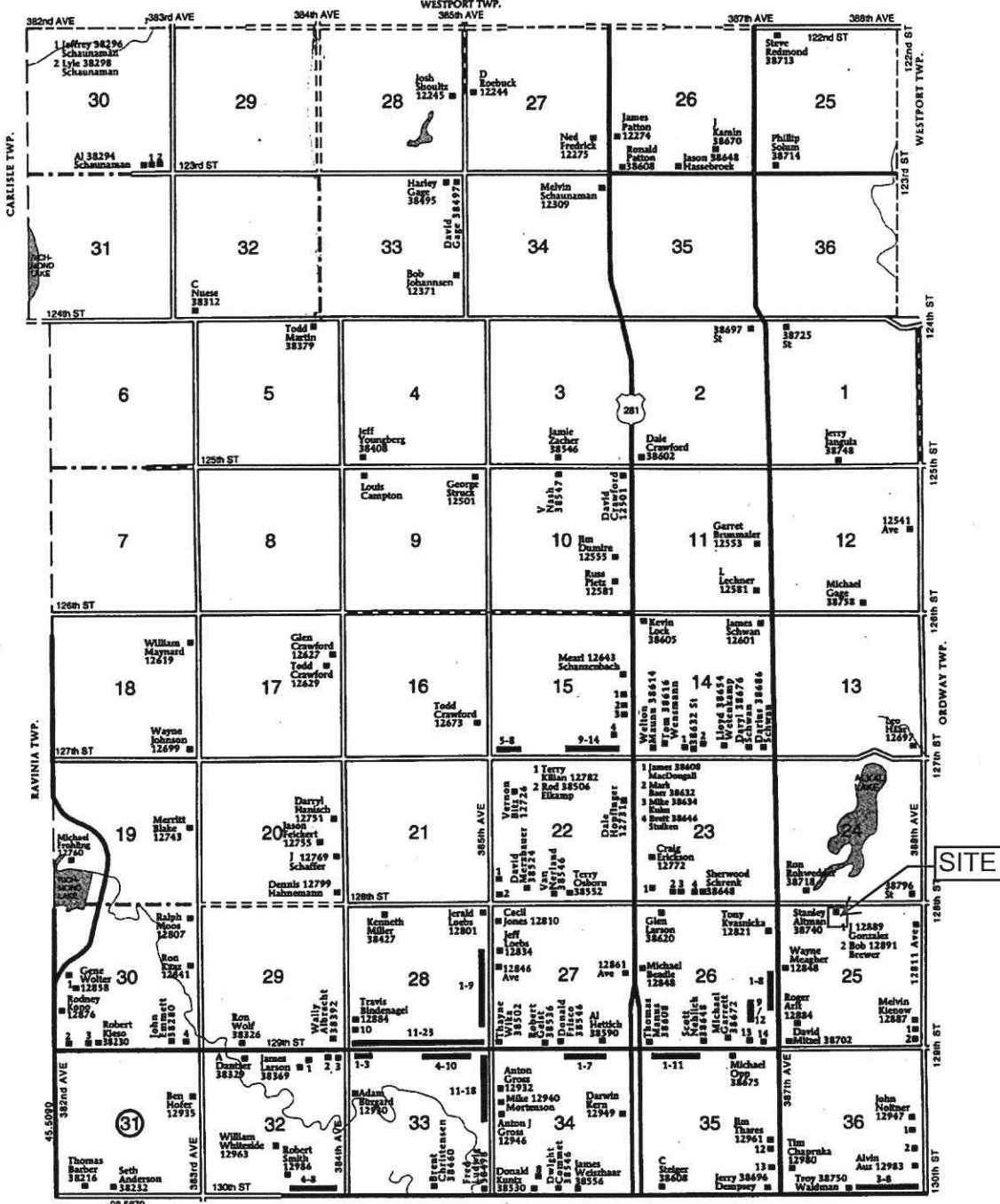
By: _____ Date: _____

HEARING DATE: August 18, 2020 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



- LINCOLN TOWNSHIP**
- SECTION 14**
- Adams, John 38630
 - Mount, Bill 38634
- SECTION 15**
- Schaanaman, Chad 12657
 - Berg, Tom 12663
 - Heath, Pat 12667
 - Kieaz, Marvin 12685
 - Huetti, Roger 38502
 - Klapperich, Ed 38504
 - Frohling, Leslie 38512
 - Moore, Joe 38518
 - Williams, Eugene 38552
 - Black, Casey 38556
 - Mitzel, Michael 38560
 - Malsam, Adam 38570
 - Nelson, Mark 38574
 - Roso, R 38576

- SECTION 26S**
- Wetankamp, Lloyd D 12847
 - Hedger, Kendall 12849
 - Labey, Richard 12851
 - Kolb, Myron 12855
 - 12857
 - Wacholz, B 12861
 - Simonson, Lee 12869
 - Fychlik, Jerald 12875
 - Keller, Mike 12882
 - Stein, Craig 12866
 - Hedge, Duane 12870
 - Call, Ty 12874
 - Wahl, Merle 38686
 - Punt, Lawayne 38690
- SECTION 28S**
- Drageset, Jamie 12833
 - Adolf, Gregory 12839
 - Hoeltzner, Curtis 12843
 - Wilke, Chad 12845
 - Carlson, Cartor 12853

- SECTION 30S**
- Podoff, M 12852
 - Schlagel, Gene 38206
- SECTION 32S**
- Vining, Brad 12861
 - Aman, Dwight 12871
 - Kotzea, D 12881
 - Nordstrom, Allen 12891
 - Heay, Chad 12888
 - Blitz, Marvin 38404
 - Gab, Dale 38406
 - Blitz, Sheldon 38412
 - Hammrich, Marc 38414
 - Bellikka, Neil 38424
 - Neiber, Danny 38434
 - Jakober, Glen 38452
 - Buechler, Todd 38460
 - Siefken, Lon 38484
 - Habeck, F 38474
 - Kamm, Casey 38478
 - Whitney, Charles 38484
 - Peterson, Kenneth 38488
- SECTION 33S**
- Podoff, M 12852
 - Schlagel, Gene 38206

- SECTION 34S**
- Waltman, Frank 38405
 - Malsam, Ervin 38409
 - Krueger, Gerald 38413
 - Burt, Roy 38453
 - Sutton, Duane 38459
 - Aman, Bonnell 38463
 - Hagmann, Rick 38469
 - Allibe, M 38479
- SECTION 35S**
- 38228
 - Mandel, Lonnie 38294
- SECTION 32E**
- Lehr, Cary 38373
 - Otto, Randall 38393
 - Gosvener, Ken 12901
 - Martinson, Roger 38364
 - Thorstenon, Casey 38370
 - Harms, Bruce 38374
 - Hartung, Mark 38386
 - Keller, Edward 38392
- SECTION 33E**
- Waltman, Frank 38405
 - Malsam, Ervin 38409
 - Krueger, Gerald 38413
 - Burt, Roy 38453
 - Sutton, Duane 38459
 - Aman, Bonnell 38463
 - Hagmann, Rick 38469
 - Allibe, M 38479

- SECTION 34E**
- Hartung, John 38549
 - Shilman, Larry 38557
 - Tarrell, Ron 38559
 - Odde, N 38563
 - Voizke, Randy 38567
 - Malsam, Melvin 38589
 - Igo, Loren 38591
 - Ritter, Loren 38534
- SECTION 35E**
- Fordham, Donald 38621

- SECTION 26W**
- Luttjens, Mark 38631
 - Hollan, Ray 38635
 - Hendrickson, J 38649
 - Anliker, Alvin 38655
 - Malsam, Joe 38629
 - Hanley, Tom 38630
 - Fix, Jeffrey 38637
 - Binder, Brandon 38643
 - Mercer, V 12911
 - Tchida, Mervin 12914
 - Thares, Clark 12969
 - Diede, James 12979
- SECTION 36S**
- Dalager, John 12953
 - Hinds, Bill 12971
 - Waldman, Clarence 38756
 - Waldman, Galen 38762
 - Pence, Bryan 38766
 - Cowan, Richard 38770
 - Lonning, Stuart 38782
 - Bock, Jeff 38792

NOTICE OF HEARING SPECIAL EXCEPTION/CONDITIONAL USE

Application has been made to Brown County Planning/Zoning Commission for a SPECIAL EXCEPTION/CONDITIONAL USE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on August 18, 2020 at 7:00 P.M.

Petitioner: Adam Altman

Description of proposed property: The West 400' of the East 950' of the North 500' in the NW1/4 of Section 25-T124N-R64W of the 5th P.M., Brown County, South Dakota (38741 128th Street).

Reason: For the purpose of special exception/conditional use for a Federal Firearms Licensed home business in a Mini Agriculture District (M-AG).

The public is invited to attend the hearing and to present comments and testimony regarding the proposed special exception/conditional use.

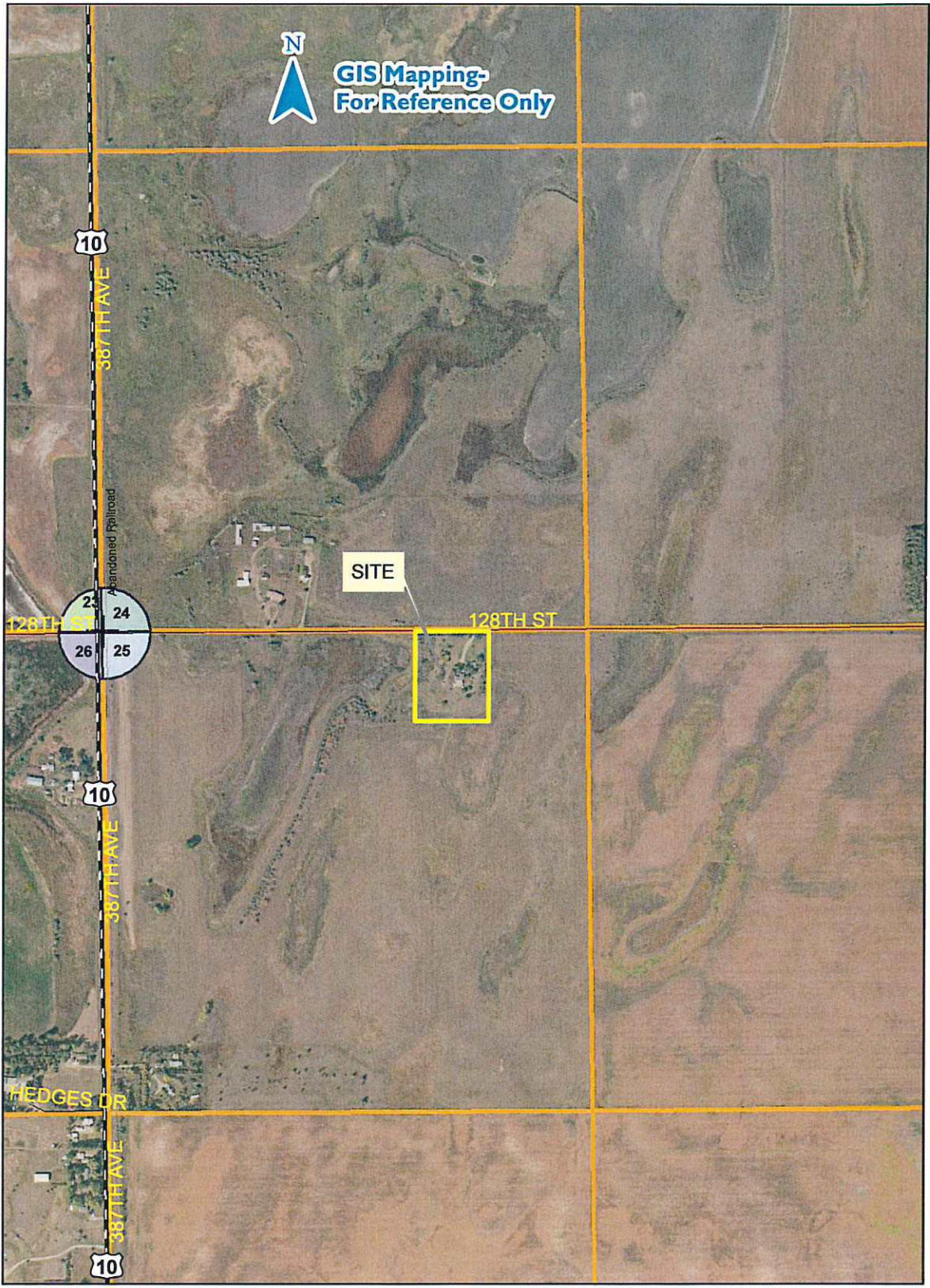
Dated this 5th day of August 2020.

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 _____.



GIS Mapping-
For Reference Only



10

367TH AVE

Abandoned Railroad

23
24
25
26

128TH ST

SITE

128TH ST

10

367TH AVE

HEDGES DR

10

367TH AVE



GIS Mapping-
For Reference Only

20990

20987

20994

ROAD
LOW

SITE

128TH ST

20999

30433

20987



STAFF REPORT

August 18, 2020

Variance for Lot Size in AG-P District

ITEM # 05

GENERAL INFORMATION:

PETITIONER: Josh Heupel

REQUEST: Variance for Lot Size in an AG-P District.

LEGAL DESCRIPTION: Lots 1&2, "J. Heupel Addition" in the NE1/4 of Section 26-T123N-R60W of the 5th P.M., Brown County, South Dakota

LOCATION: 41053 134th Street

TOWNSHIP: Groton Twp

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: BDM Water

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Lot Size for Lot 1 (4.62 acres) and Lot 2 (18.89 acres), "J. Heupel Addition" zoned (AG-P) to allow these lots to be smaller than 40 acres and stay zoned (AG-P) using Chapter 4.0605 "Farm Unit" as adjoining property is owned by the family.

GENERAL REVIEW: After review Staff recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: July 27, 2020
RECEIPT # 139942
TOWNSHIP: Groton Twp

FEES: \$100.00
PAID: YES NO CHK CASH
DATE: 8-10-20

OWNERS SIGNATURE: Josh Heupel 
OWNERS ADDRESS: 306 S 4th Street
OWNERS CITY, STATE, ZIP: Andover, SD 57422
OWNERS PHONE: 605-228-5444

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

REQUEST: Variance to Lot Size for Lot 1 (4.62 acres) and Lot 2 (18.89 acres) to allow these lots to be smaller than 40 acres to remain zoned AG-P per Chapter 4.0605 "Farm Unit" as adjoining property is owned by the family.

LEGAL DESCRIPTION: Lots 1&2, "J. Heupel Addition" in the NE1/4 of Section 26-T123N-R60W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 18, 2020 **TIME:** 7:00 pm

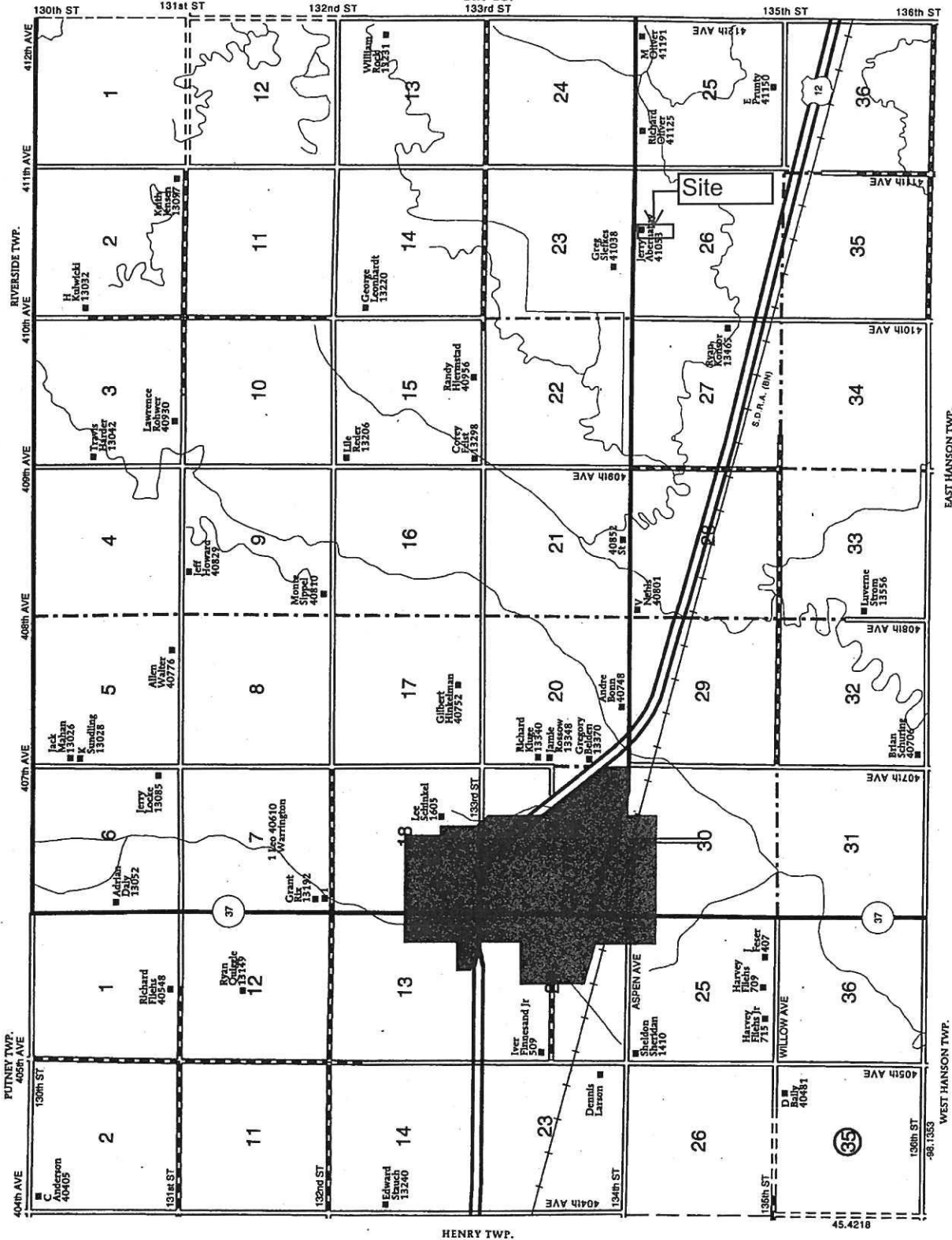
MEETING: located in the **Basement Community Room of the Court House Annex**

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)

DAY CO.



HENRY TWP.

EAST HANSON TWP.

WEST HANSON 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 Courthouse Annex, basement Community Meeting Room, on August 18, 2020 at 7:00 P.M. for the purpose of a Variance to Lot Size in an Agriculture Preservation District (AG-P).

Petitioner / Owner: Josh Heupel

Description of property: Lots 1&2, "J. Heupel Addition" in the NE1/4 of Section 26-T123N-R60W of the 5th P.M., Brown County, South Dakota (41053 134th Street).

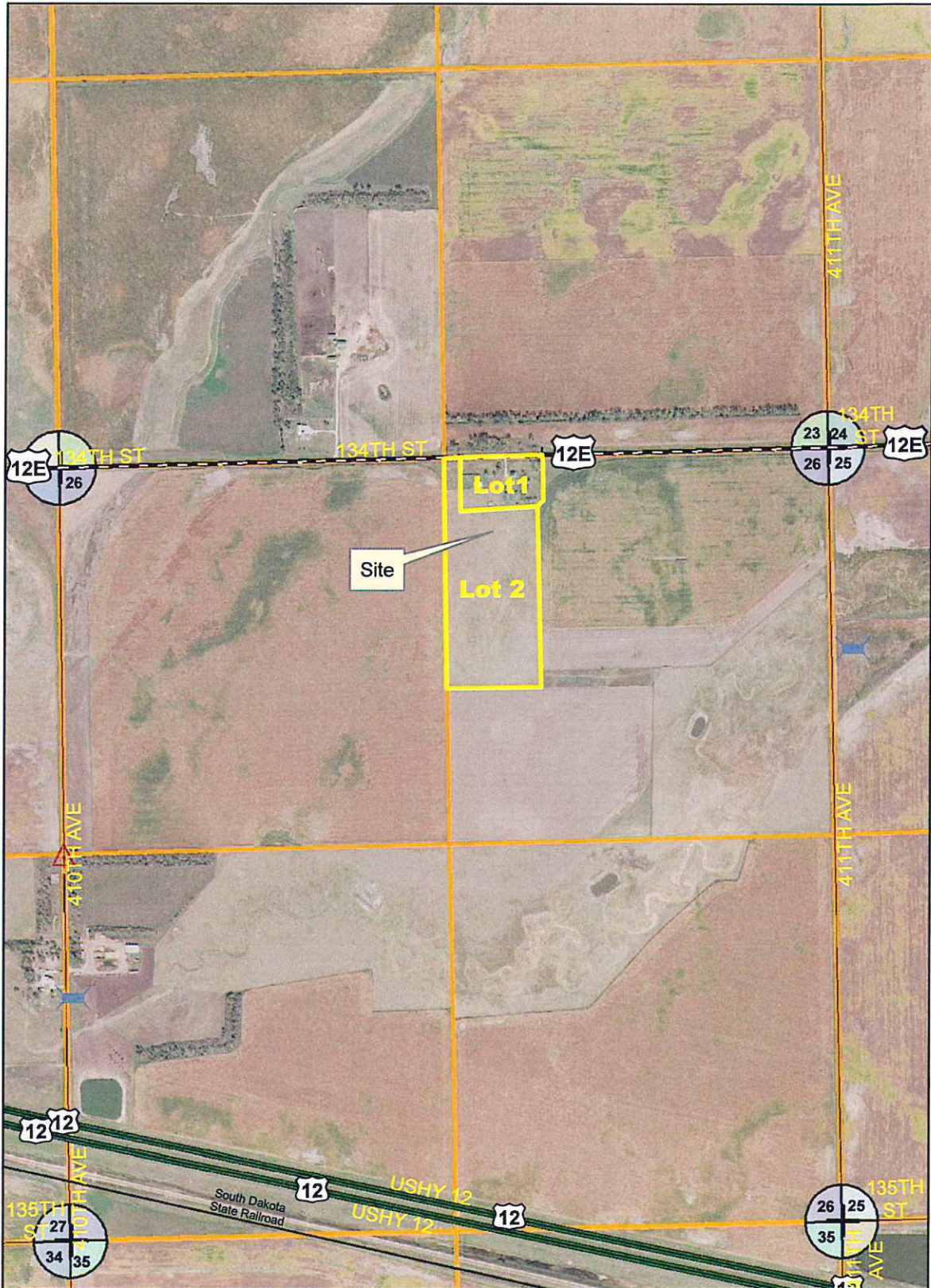
Reason: A Variance to lot size for Lot 1 (4.62 acres) and Lot 2 (18.89 acres) to allow these lots to be smaller than 40 acres to remain zoned Agricultural Preservation (AG-P) as per chapter 4.0605 "Farm Unit" as adjoining property is owned by the family.

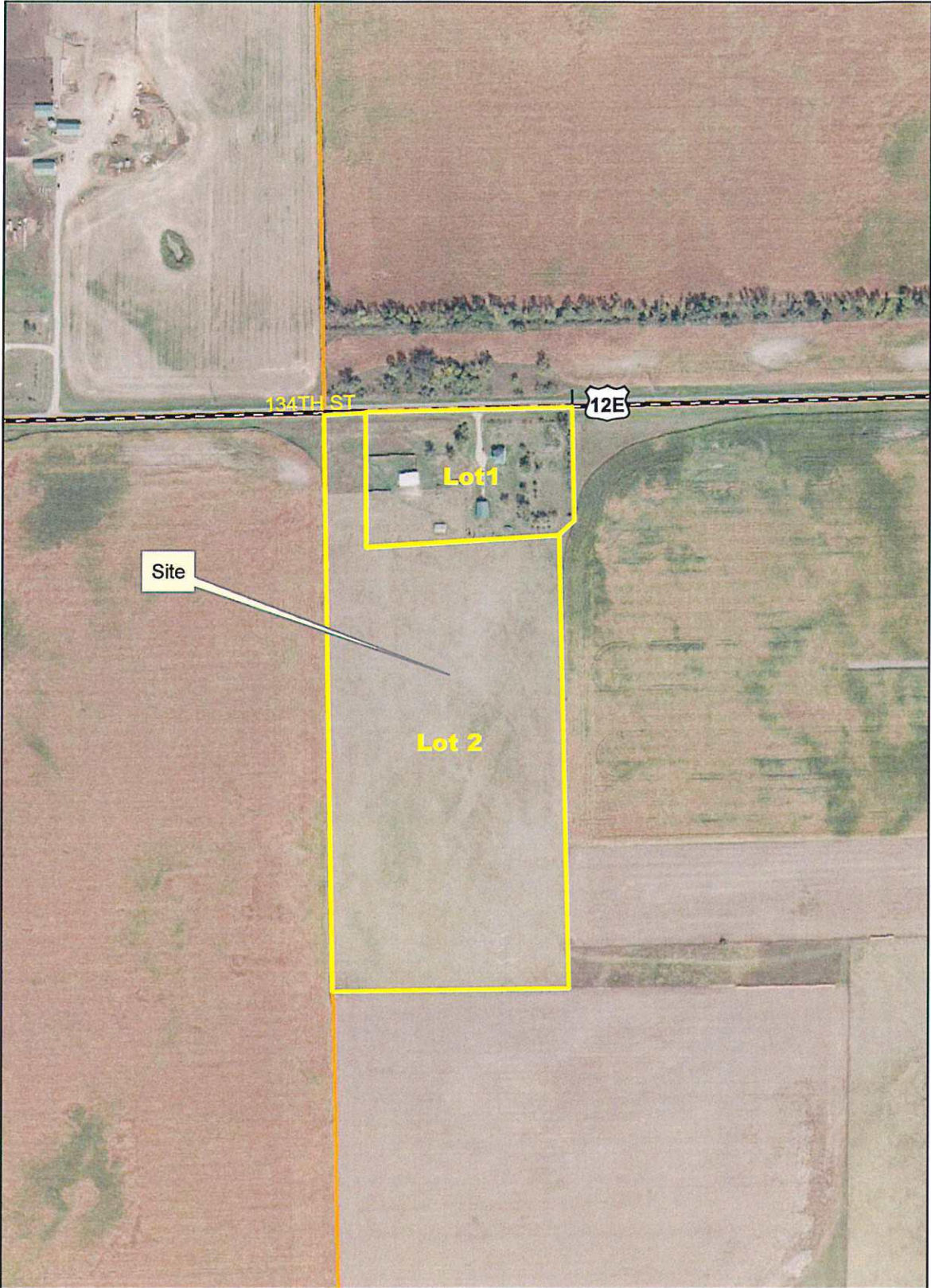
The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 5th day of August 2020

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

Published once at the total approximate cost of _____.





PLAT SHOWING
J. HEUPEL ADDITION

IN THE NE1/4 OF SECTION 26,
 TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA

N1/4 Cor. Sec. 26-123-60
 (Set Survey Spike w/Washer LS 11699)
 N = 593237.51
 E = 2478970.12

NE Cor. Sec. 26-123-60
 (Found Survey Spike
 w/Washer LS 4423)
 N = 593305.67
 E = 2481598.41

Lot 1
 Contains 4.62 Acres±
 of which
 0.43 Acres± is Section Line ROW

Lot 2
 Contains 18.89 Acres±
 of which
 0.09 Acres± is Section Line ROW

LINE TABLE		
#	BEARING	DISTANCE
L1	N88°30'52"E	115.00'
L2	N1°09'59"W	33.00'
L3	N88°30'52"E	114.93'
L4	N1°17'15"W	33.00'
L5	S1°00'16"W	33.03'

- LEGEND**
- PIN FOUND (AS NOTED)
 - PIN SET w/CAP LS 11699
 - △ SURVEY SPIKE SET w/WASHER LS 11699
 - ▲ FOUND SURVEY SPIKE (AS NOTED)
 - ⊠ CALCULATED CORNER

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



PREPARED BY:



3314 Milwaukee Ave NE, Suite 2
 Aberdeen, SD 57401
 Phone: (605) 225-3494
 Fax: (605) 225-5433

EOE

PLAT SHOWING
J. HEUPEL ADDITION
 IN THE NE1/4 OF SECTION 26,
 TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Jerrold Abernathy and Elizabeth Abernathy, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby certify that we are the owners of the Northeast Quarter (NE1/4) of Section Twenty-Six (26), Township One Hundred Twenty-Three (123) North, Range Sixty (60) West of the 5th P.M., Brown County, South Dakota, and that we have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 60 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.

Owners:

 Jerrold Abernathy Signed this _____ day of _____, 2020.

 Elizabeth Abernathy Signed this _____ day of _____, 2020.

COUNTY OF _____)
 STATE OF _____) SS

On this the _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Jerrold Abernathy and Elizabeth Abernathy, husband and wife, as joint tenants with right of survivorship and not as tenants in common, known to me or satisfactorily proven to be the person whose names Jerrold Abernathy and Elizabeth Abernathy, 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

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 "J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 23rd day of JUNE, 2020.



BROWN COUNTY HIGHWAY APPROVAL

"Access to BROWN COUNTY HIGHWAY 12E / 134th 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."

Signed this _____ day of _____, 2020. _____
 Highway or Street Authority

COUNTY PLANNING COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

 Secretary of County Planning Commission
 Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

 County Auditor
 Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 60 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."

PREPARED BY:



3314 Milwaukee Ave NE, Suite 2
 Aberdeen, SD 57401
 Phone: (605) 225-3494
 Fax: (605) 225-5433

EOE

PLAT SHOWING
J. HEUPEL ADDITION
IN THE NE 1/4 OF SECTION 26,
TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this ____ day of _____, 2020.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this ____ day of _____, 2020.

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this ____ day of _____, 2020, at ____ O'clock ____ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds
Brown County, South Dakota

PREPARED BY:

CLARK
ENGINEERING

now

IMEG

3314 Milwaukee Ave NE, Suite 2
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433

EOE

A20069

STAFF REPORT
August 18, 2020

VARIANCE FOR BUILDING SETBACKS IN AG-P

ITEM # 06

GENERAL INFORMATION

PETITIONER	Troy Malsam
REQUEST	Variance for Building Setbacks
LEGAL DESCRIPTION	Jones Outlot 1 in the N1/2 of Section 32-T124N-R62W of the 5th P.M., Brown County, South Dakota
LOCATION	3955 I 129 th St
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance for a 75' setback from the north front yard property line rather than the 100' required in an Agriculture Preservation District (AG-P) for a 66' x 128' shop building.


REVIEW: Staff has reviewed this request and recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: July 30, 2020
RECEIPT # 1399.30
TOWNSHIP: Cambria Township

FEES: 100.00
PAID: YES/NO CHK/CASH
DATE: 8-3-20

OWNERS SIGNATURE: Troy Malsam 
OWNERS ADDRESS: 39551 129th Street
OWNERS CITY, STATE, ZIP: Bath, SD 57427
OWNERS PHONE: 605-380-4837

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

REQUEST: Variance to Building Setbacks in an Agricultural Preservation District (AG-P) to be 75' from front property line rather than 100' required for a 66' x 128' shop building.

LEGAL DESCRIPTION: Jones Outlot I in the N1/2 of Section 32-T124N-R62W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: AUGUST 18, 2020 **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



WE'VE JUST MADE OUR PLAT & DIRECTORIES SO MUCH MORE USER FRIENDLY

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or Our Website
www.farmandhomepublishers.com



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- ✓ Print pages as needed.
- ✓ Bookmark pages of the publication.
- ✓ Add sticky notes to specific areas of each map or alpha page.
- ✓ View single or double page layout.
- ✓ Use search box to find names of landowners or rural residents listed within each publication.

- ✓ Magnify page for better viewing.
- ✓ Full screen or normal viewing mode.
- ✓ Thumbnail view.
- ✓ Translate information into your desired language for all maps and alpha listings.
- ✓ All advertisers displaying their website will be linked to that website.

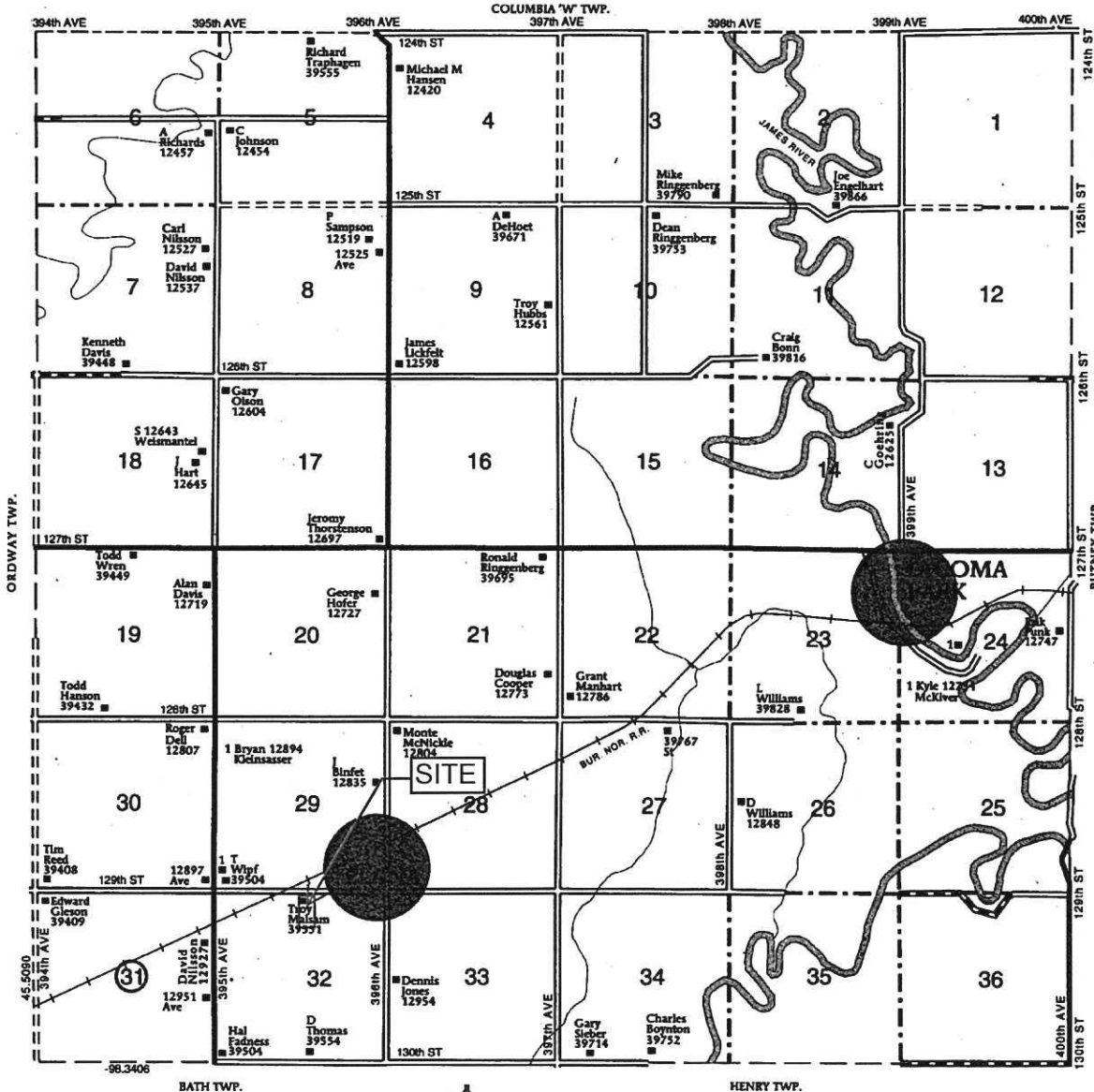
524 River Ave. North
Belmond, IA 50421
800-685-7432

T-124-N

CAMBRIA DIRECTORY

R-62-W

(Residents - Owners or Renters)



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on August 18, 2020 at 7:00 P.M. for the purpose of a Variance to minimum setbacks in an Agricultural Preservation District (AG-P).

Petitioner / Owner: Troy Malsam

Description of property: Jones Outlot 1 in the N1/2 of Section 32-T124N-R62W of the 5th P.M., Brown County, South Dakota (39551 129th St).

Reason: Variance to Building Setbacks in an AG-P District to be 75' from the north front property line rather than 100' required for a 66' x 128' Shop Building.

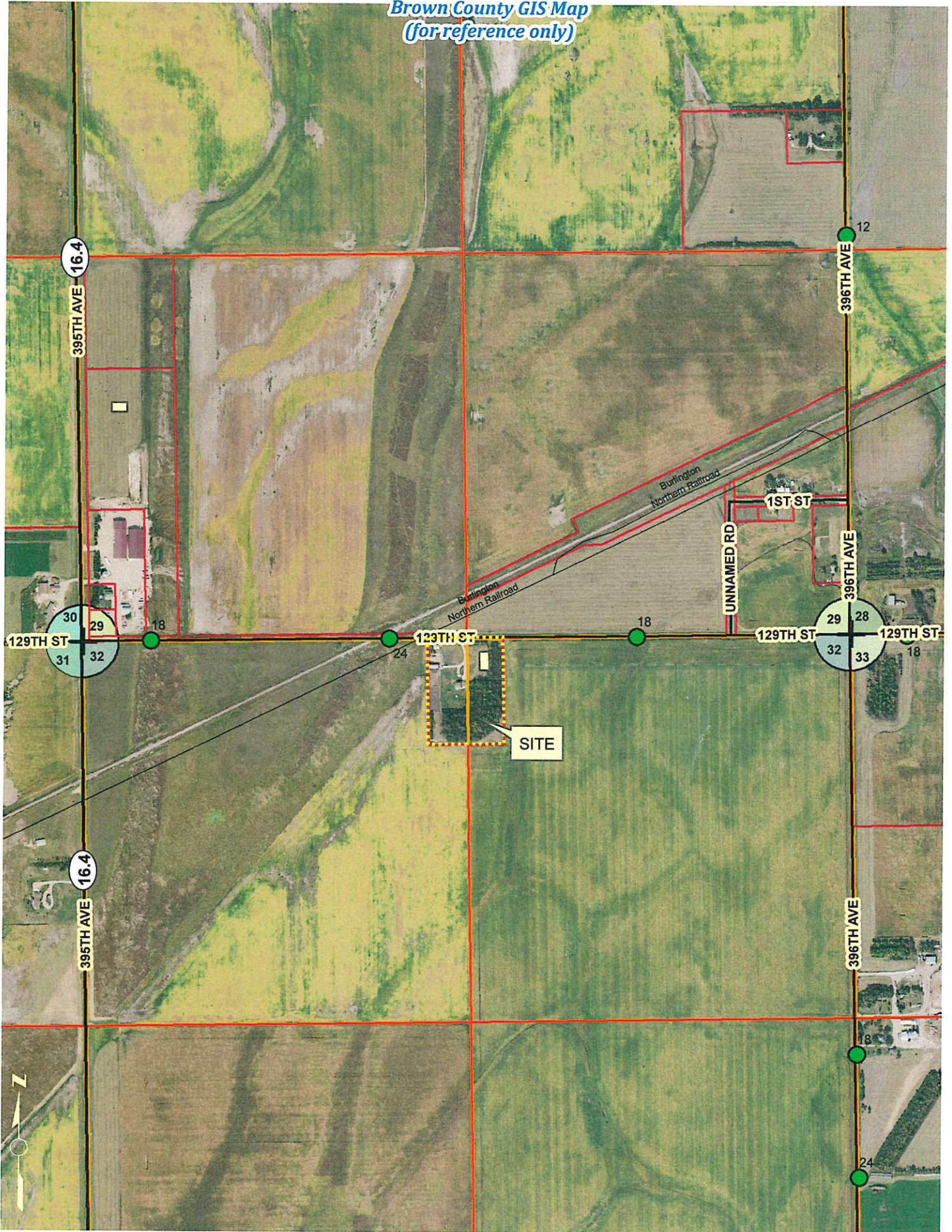
The public is invited to attend the hearing and to present comments and testimony regarding the proposed ordinance amendment.

Dated this 5th day of August 2020

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 _____.

Brown County GIS Map
(for reference only)



395TH AVE 16.4

396TH AVE 12

129TH ST 30 29 31 32

129TH ST 24

129TH ST 18

396TH AVE 29 28 32 33

129TH ST 18

395TH AVE 16.4

396TH AVE 18

396TH AVE 24



SITE

Burlington Northern Railroad

Burlington Northern Railroad

1ST ST

UNNAMED RD

*Brown County GIS Map
(for reference only)*

Burlington
Northern Railroad

SITE

129TH ST

75'



STAFF REPORT

August 18, 2020

Variance for Lot Size in AG-P District

ITEM # 07

GENERAL INFORMATION:

PETITIONER: Matthew Johnson

REQUEST: Variance for Lot Size in an AG-P District.

LEGAL DESCRIPTION: Lot 1, "Roger and Diane Johnson Subdivision" in the SW1/4 of Section 33-T125N-R60W of the 5th P.M., Brown County, South Dakota

LOCATION: 40810 124th Street

TOWNSHIP: Claremont Twp

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: BDM Water

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Lot Size for Lot 1 (12.56 acres), "Roger and Diane Johnson Subdivision" zoned (AG-P) to allow this lot to be smaller than 40 acres and stay zoned (AG-P) using Chapter 4.0605 "Farm Unit" as adjoining property is owned by the family.

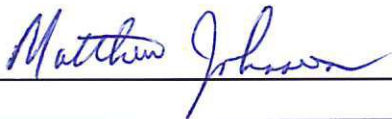
GENERAL REVIEW: After review Staff recommends approval.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: July 31, 2020
RECEIPT # 139939
TOWNSHIP: Claremont Twp

FEES: \$100.00
PAID: YES/NO CHK/CASH
DATE: 8/5/2020

OWNERS SIGNATURE: Matthew Johnson 
OWNERS ADDRESS: 12996 409th Ave
OWNERS CITY, STATE, ZIP: Groton, SD 57445
OWNERS PHONE: 605-397-7430

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

REQUEST: Variance to Lot Size for Lot I (12.56 acres) to allow this lot to be smaller than 40 acres and remain zoned AG-P per Chapter 4.0605 "Farm Unit" as adjoining property is owned by the family.

LEGAL DESCRIPTION: Lot I, "Roger and Diane Johnson Subdivision" in the SW1/4 of Section 33-T125N-R60W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied _____

By: _____ **Date:** _____

HEARING DATE: August 18, 2020 **TIME:** 7:00 pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

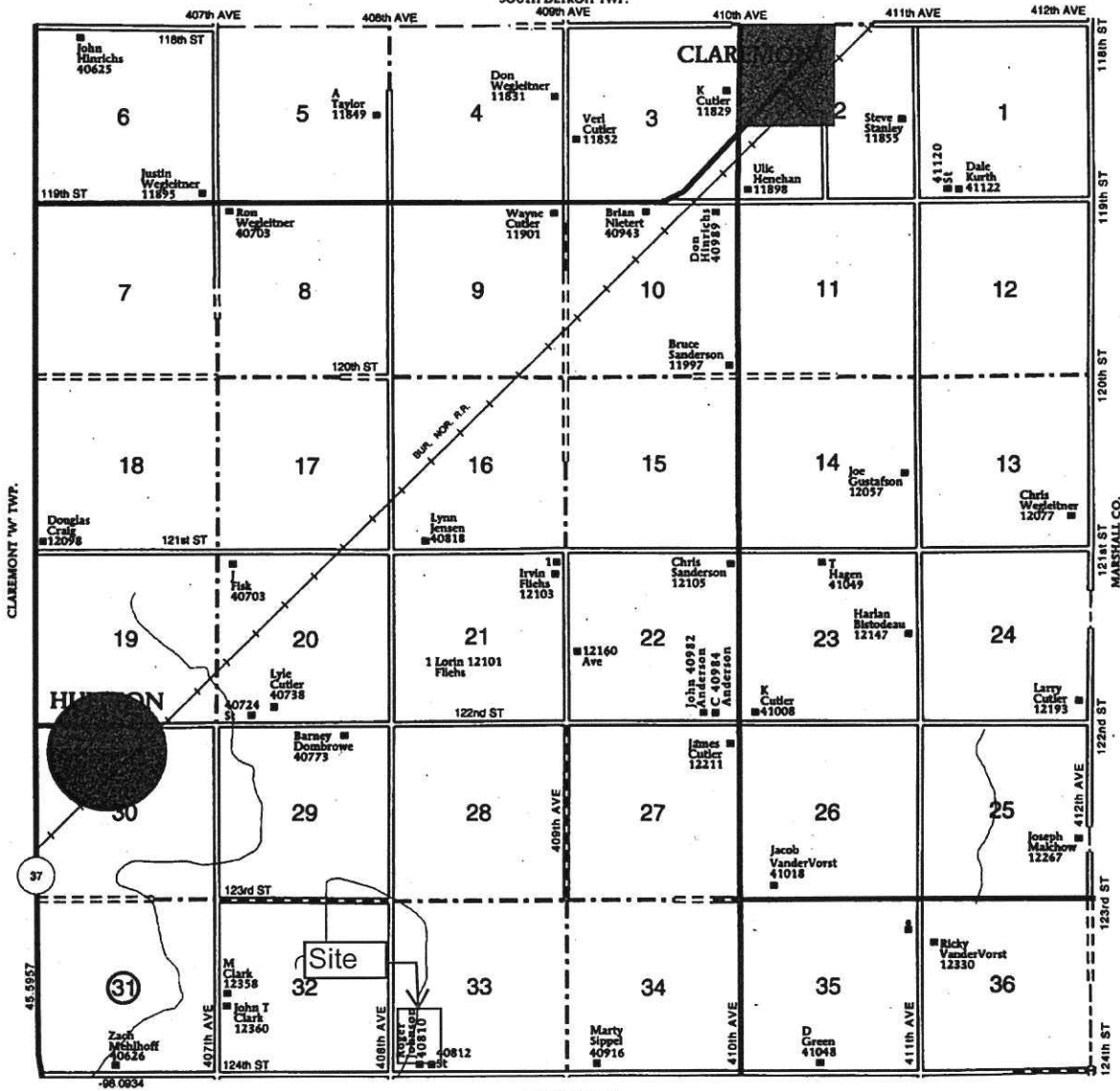
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



T-125-N

CLAREMONT 'E' DIRECTORY

R-60-W



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on August 18, 2020 at 7:00 P.M. for the purpose of a Variance to Lot Size in an Agriculture Preservation District (AG-P).

Petitioner / Owner: Matthew Johnson

Description of property: Lot 1, "Roger and Diane Johnson Subdivision" in the SW1/4 of Section 33-T125N-R60W of the 5th P.M., Brown County, South Dakota (40810 124th Street).

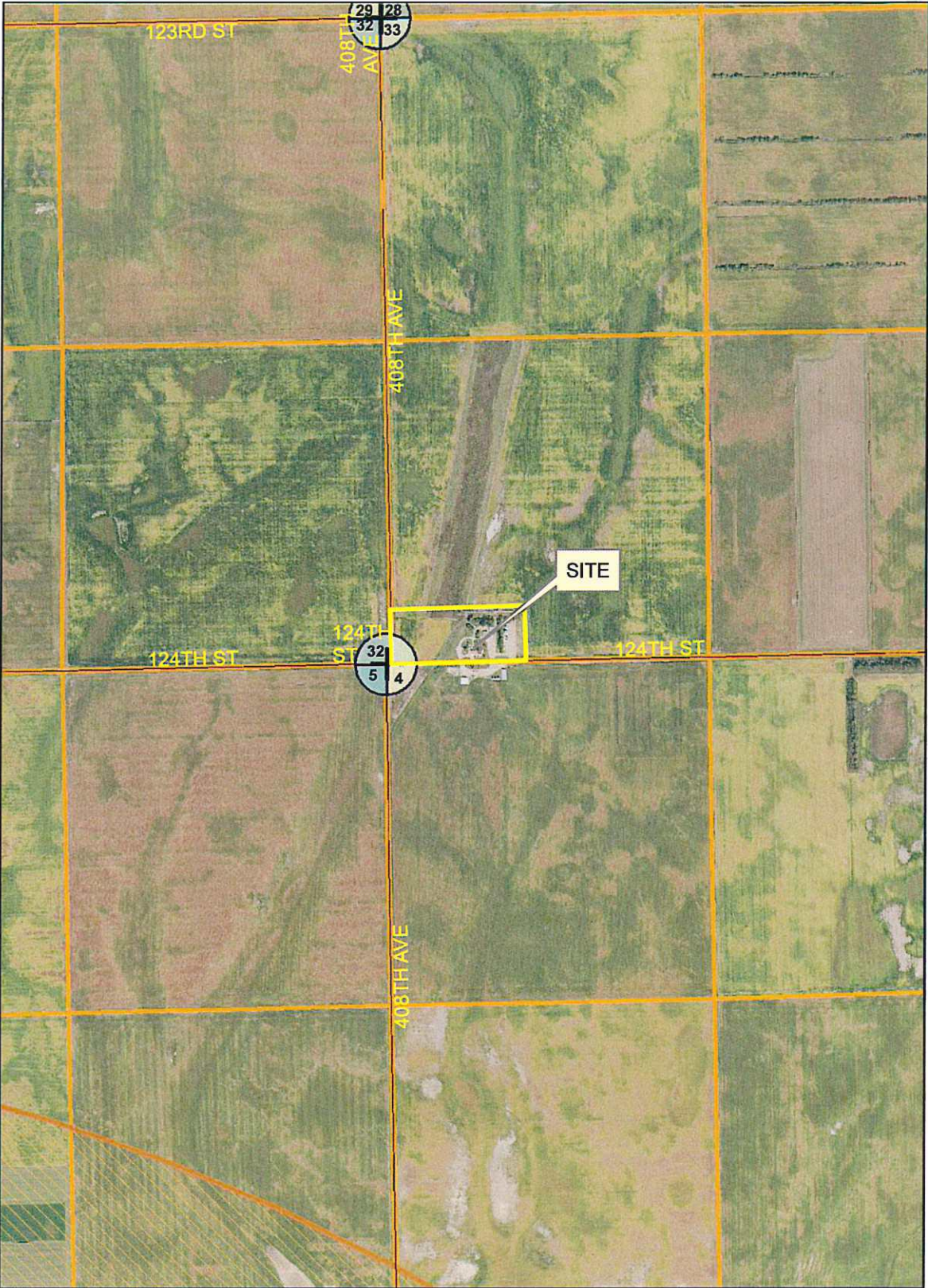
Reason: A Variance to lot size for Lot 1 (12.56 acres) to allow this lot to be smaller than 40 acres to remain zoned Agricultural Preservation (AG-P) as per chapter 4.0605 "Farm Unit" as adjoining property is owned by the family.

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

Dated this 7th day of August 2020

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

Published once at the total approximate cost of _____.

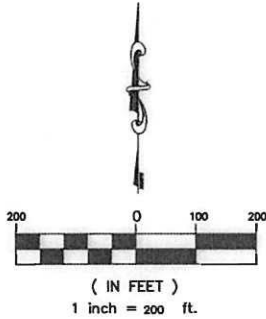




PLAT OF

A-7696

**ROGER AND DIANE JOHNSON SUBDIVISION
IN THE SW 1/4 OF SECTION 33-T125N-R60W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

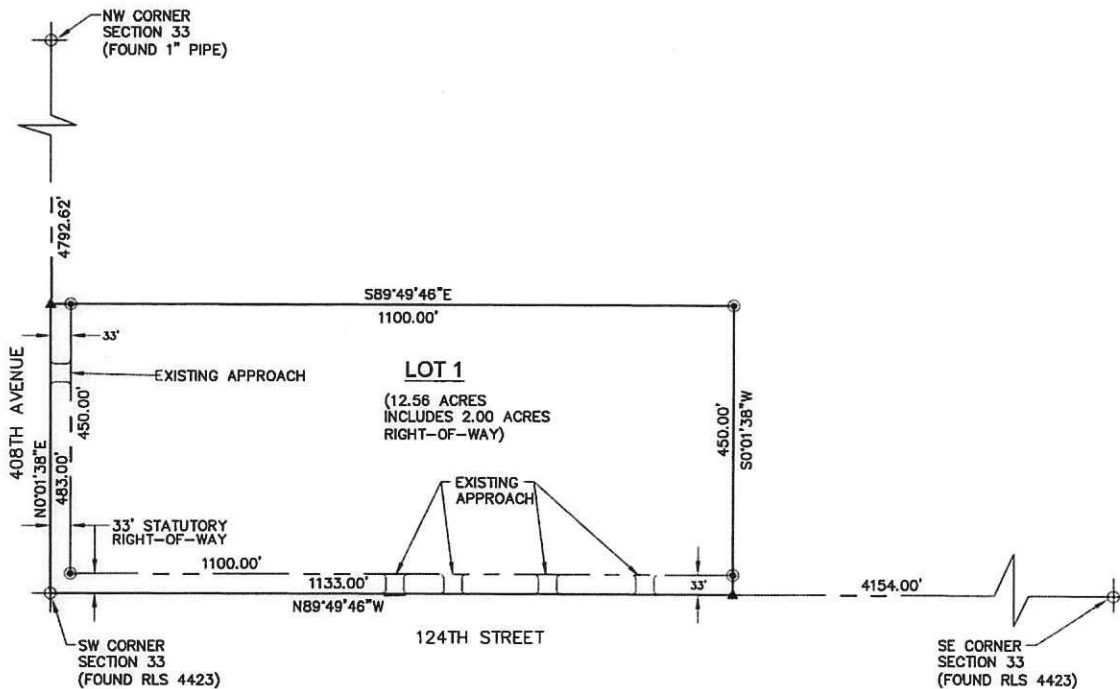


LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
- ▲ CALCULATED POSITION

BASIS OF BEARINGS

TRUE MERIDIAN GPS



Helms & Associates
CIVIL ENGINEERS & LAND SURVEYORS

211 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

PLAT OF

A-7696

**ROGER AND DIANE JOHNSON SUBDIVISION
IN THE SW 1/4 OF SECTION 33-T125N-R60W 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 MATTHEW JOHNSON AS OWNER, AND UNDER HIS DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO MAY 6, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: ROGER AND DIANE JOHNSON SUBDIVISION IN THE SW 1/4 OF SECTION 33-T125N R60W 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 ____ DAY OF _____, 20____

OWNER'S CERTIFICATE

RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNERS OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS ROGER AND DIANE JOHNSON SUBDIVISION IN THE SW 1/4 OF SECTION 33-T125N R60W 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 ____ DAY OF _____, 20____

MATTHEW JOHNSON

ACKNOWLEDGEMENT

STATE OF _____)

COUNTY OF _____)SS

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MATTHEW JOHNSON KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____ 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 ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING ROGER AND DIANE JOHNSON SUBDIVISION IN THE SW 1/4 OF SECTION 33-T125N R60W 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

PLAT OF

A-7696

**ROGER AND DIANE JOHNSON SUBDIVISION
IN THE SW 1/4 OF SECTION 33-T125N-R60W OF THE 5th P.M.,
BROWN COUNTY, 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 ROGER AND DIANE JOHNSON SUBDIVISION IN THE SW 1/4 OF SECTION 33-T125N R60W 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 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 AS
PLAT NO. _____

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

STAFF REPORT

August 18, 2020

VARIANCE FOR LOT SIZE IN AG-P

ITEM # 08

GENERAL INFORMATION

PETITIONER	Sterling Jones
REQUEST	Variance for Lot Size
LEGAL DESCRIPTION	Lot 1, "Tacoma Park Place Addition" in the NE1/4NW1/4 of Section 23-T124N-R62W of the 5 th P.M., Brown County, South Dakota
LOCATION	39849 127 th St
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Lot Size for Lot 1, to allow this lot to be less than the 40 acres (16.94 acres) and stay zoned (AG-P) per Chapter 4.0605.

GENERAL REVIEW: Staff has reviewed this request and recommends approval.


BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: August 4, 2020
RECEIPT # 139934
TOWNSHIP: Cambria Twp

FEES: \$100.00
PAID: YES NO CASH
DATE: 8/4/2020

OWNERS SIGNATURE: Sterling Jones Real Estate LP
OWNERS ADDRESS: 39595 130th St
OWNERS CITY, STATE, ZIP: Bath, SD 57427
OWNERS PHONE: _____

AGENTS SIGNATURE: Sterling Jones 
AGENTS ADDRESS: 1220 N Lincoln St
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-380-4455

REQUEST: Variance to Lot Size in an AG-P District for Lot 1 to be 16.94 acres rather than 40.0 required per Chapter 4.0605.

LEGAL DESCRIPTION: Lot 1, "Tacoma Park Place Addition" in the NE1/4NW1/4 of Section 23-T124N-R62W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 18, 2020 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 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



WE'VE JUST MADE OUR PLAT & DIRECTORIES SO MUCH MORE USER FRIENDLY



Electronic Versions Available from Your Sales Representatives
or Our Website
www.farmandhomepublishers.com

- ✓ Flip through the electronic version.
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- ✓ Full screen or normal viewing mode.
- ✓ Thumbnail view.
- ✓ Translate information into your desired language for all maps and alpha listings.
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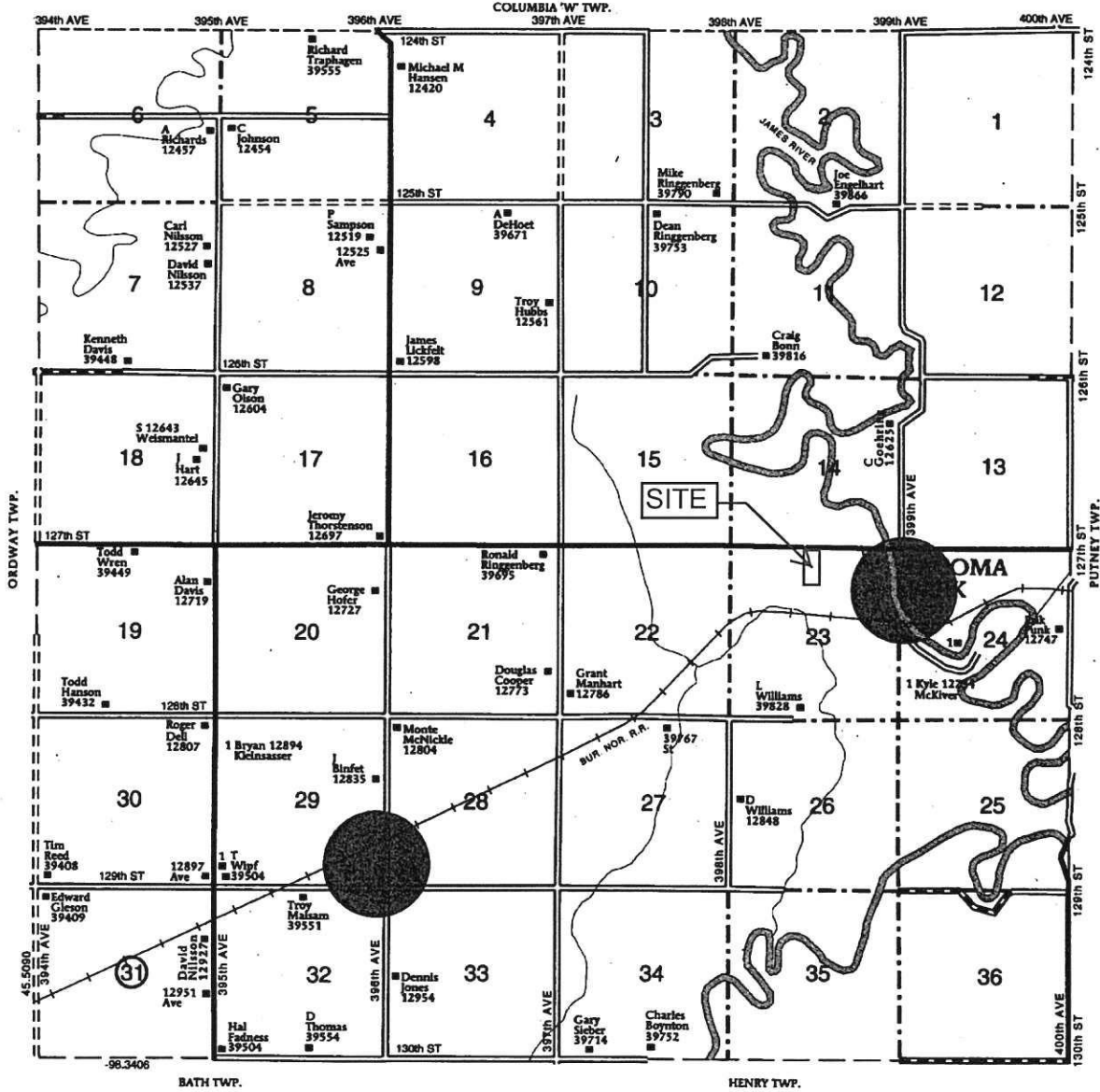
524 River Ave. North
Belmond, IA 50421
800-685-7432

T-124-N

CAMBRIA DIRECTORY

R-62-W

(Residents - Owners or Renters)



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on August 18, 2020 at 7:00 P.M. for the purpose of a Variance to Lot Size in an Agriculture Preservation District (AG-P).

Petitioner / Owner: Sterling Jones / Sterling Jones Real Estate LP

Description of property: Lot 1, "Tacoma Park Place Addition" in the NE1/4 NW1/4 of Section 23-T124N-R62W of the 5th P.M., Brown County, South Dakota (39849 127th Street).

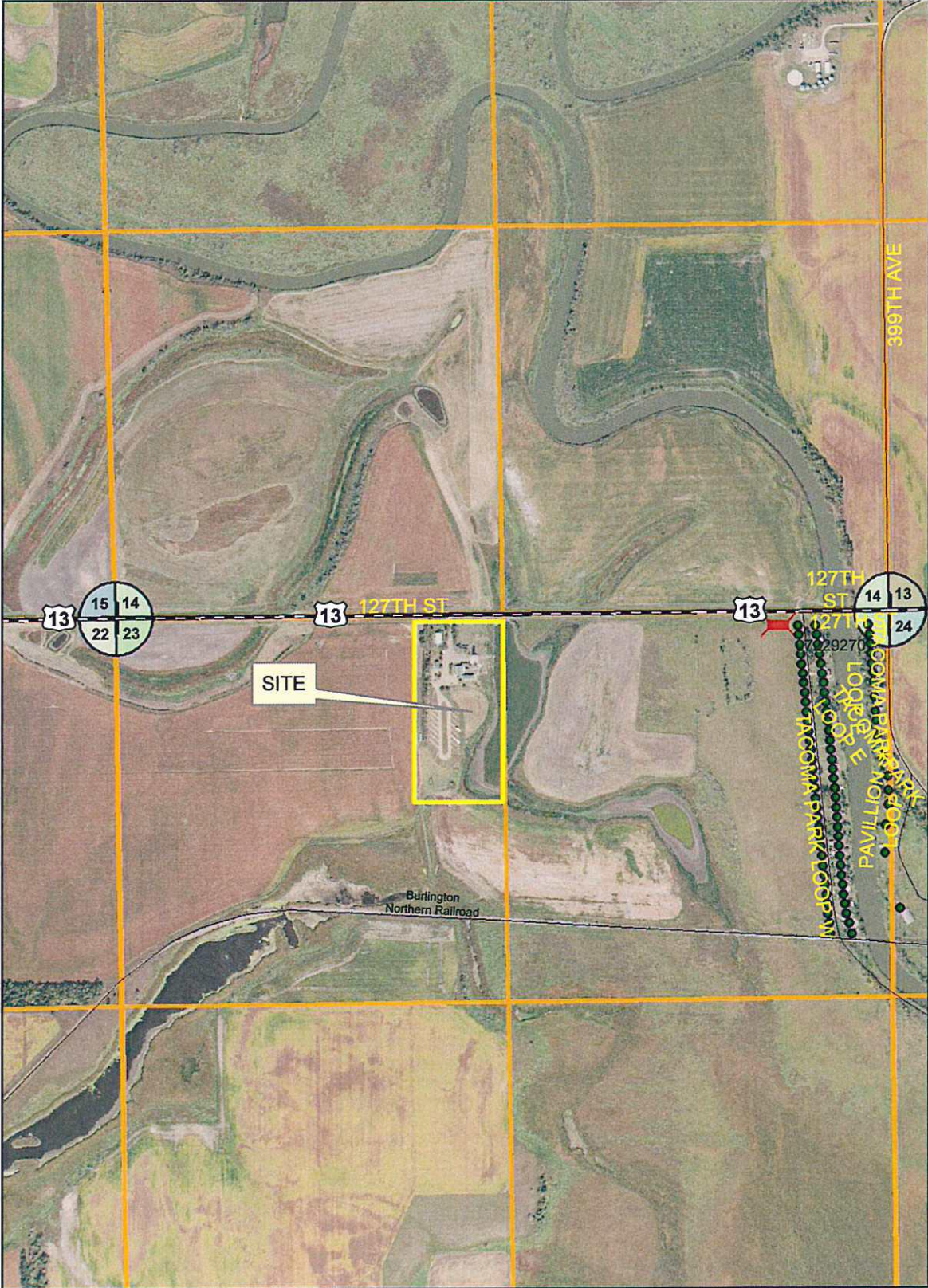
Reason: A Variance to lot size for Lot 1 (16.94 acres) to allow this lot to be smaller than 40 acres to remain zoned Agricultural Preservation (AG-P) as per chapter 4.0605 "Farm Unit" as adjoining property is owned by the family.

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

Dated this 7th day of August 2020

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 _____.



SITE

127TH ST

399TH AVE

127TH ST

127TH ST

7029270

TYCOMA PARK LOOP W

TYCOMA PARK LOOP E

TYCOMA PARK LOOP W

TYCOMA PARK LOOP E

TYCOMA PARK LOOP W

TYCOMA PARK LOOP E

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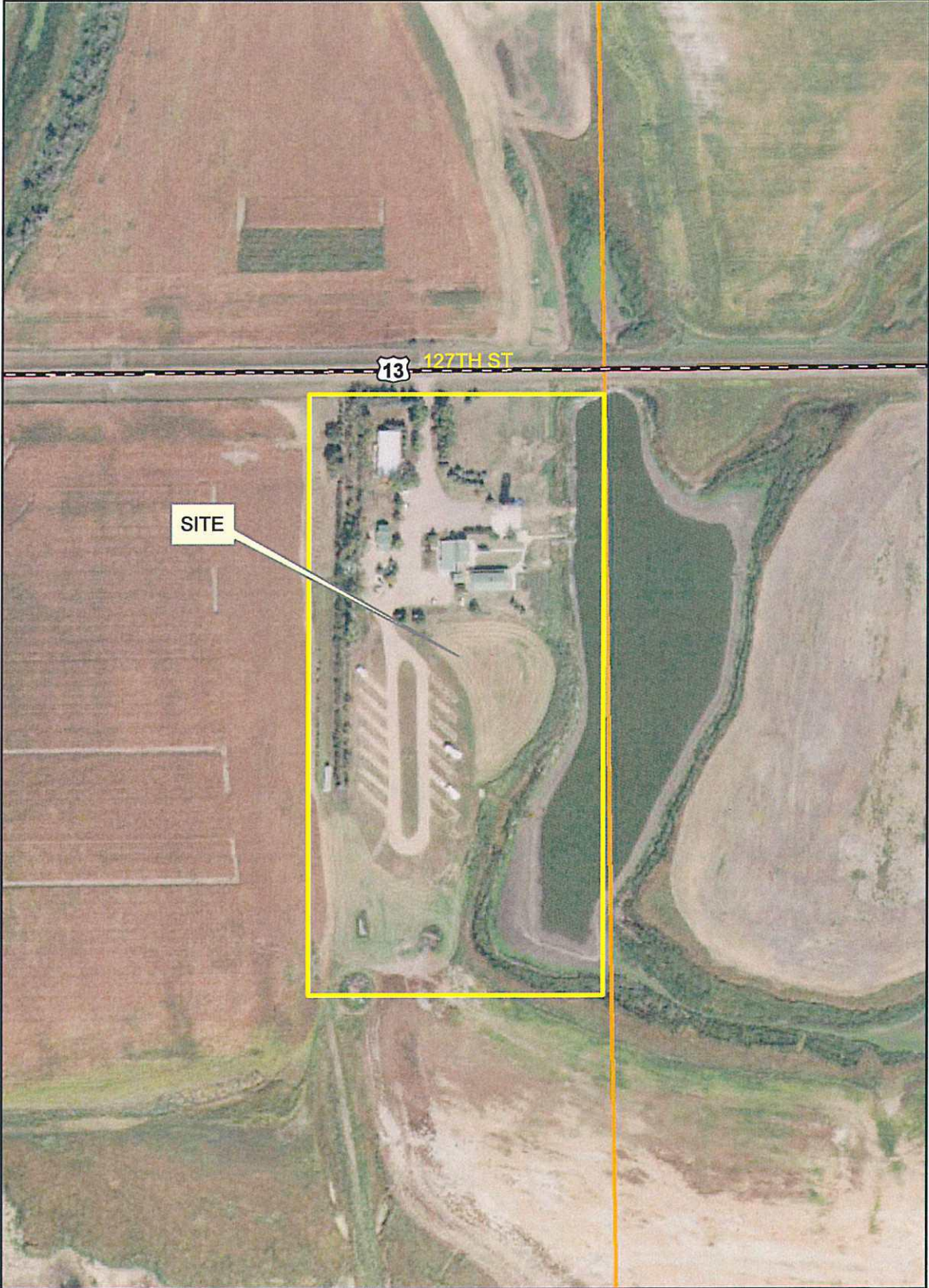
Burlington Northern Railroad

13 15 14 22 23

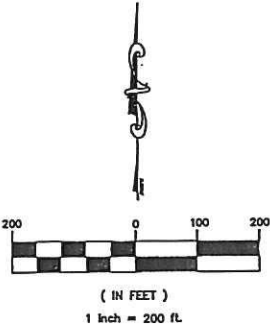
13

13

14 13 24



PLAT OF TACOMA PARK PLACE ADDITION, IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

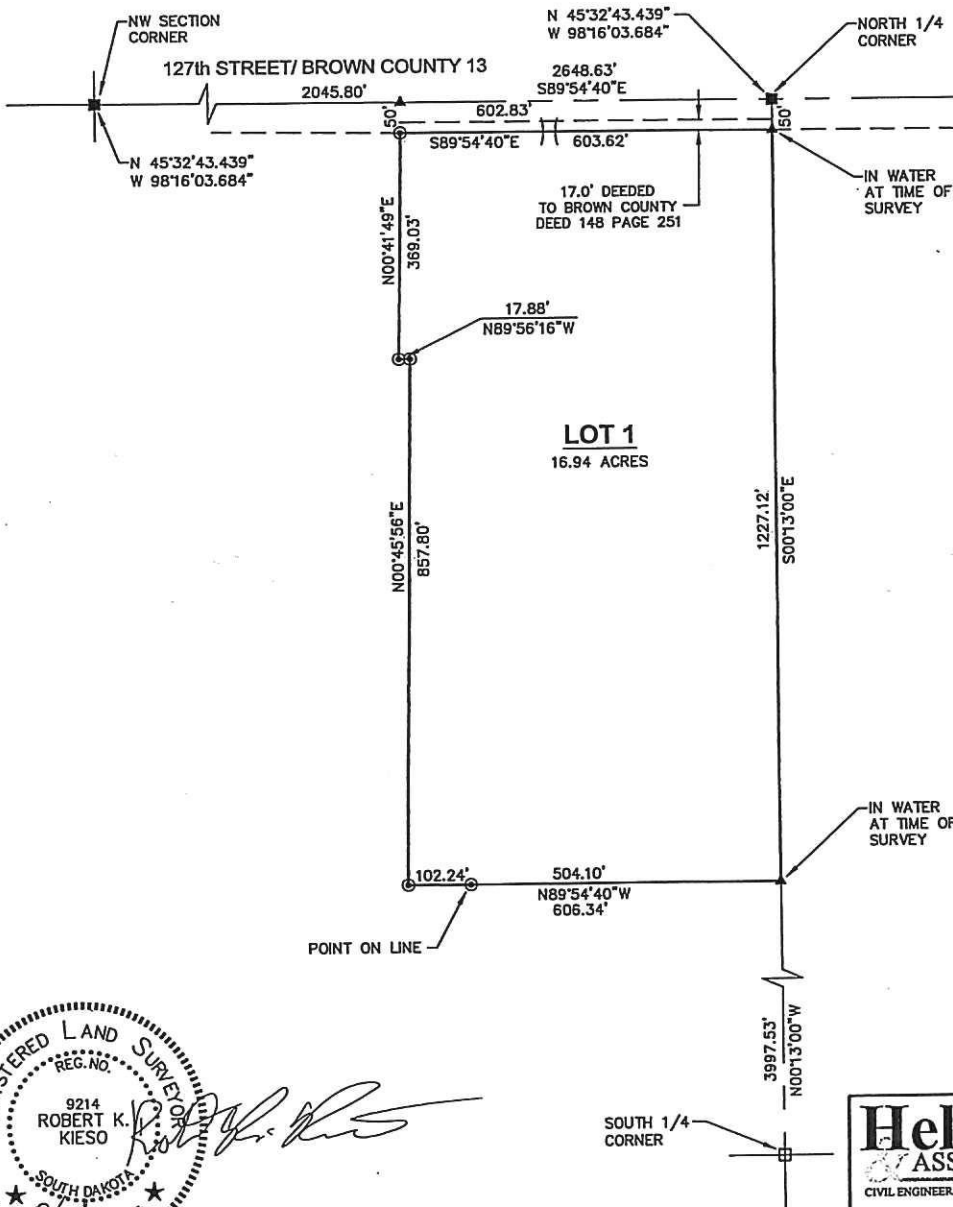


LEGEND

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

BASIS OF BEARINGS

UTM 14 NORTH
DISTANCES ARE GROUND



Helms ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

PLAT OF
TACOMA PARK PLACE ADDITION,
IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-R62W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF STERLING JONES REAL ESTATE LIMITED PARTNERSHIP, A SOUTH DAKOTA LIMITED PARTNERSHIP, AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JULY 17, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: TACOMA PARK PLACE ADDITION, IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-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 2nd DAY OF August, 2020


ROBERT K. KIESO RLS #9214

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: TACOMA PARK PLACE ADDITION, IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-R62W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA; AS SHOWN BY THIS PLAT, AND WE HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID ADDITION 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 ____ DAY OF _____, 20____.

PREVIOUSLY DESCRIBED AS:

NW 1/4 OF SECTION 23-T124N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, EXCEPT RAILROAD

STERLING JONES REAL ESTATE LIMITED PARTNERSHIP,
A SOUTH DAKOTA LIMITED PARTNERSHIP

PRINT NAME AND TITLE

SIGNATURE

CORPORATE ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)
ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, _____, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED: STERLING JONES, OF STERLING JONES REAL ESTATE LIMITED PARTNERSHIP, A SOUTH DAKOTA LIMITED PARTNERSHIP, AND THAT HE, AS SUCH AS BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF STERLING JONES REAL ESTATE LIMITED PARTNERSHIP, A SOUTH DAKOTA LIMITED PARTNERSHIP BY HIMSELF AS _____ IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____ 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 ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING TACOMA PARK PLACE ADDITION, IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-R62W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

PLAT OF
TACOMA PARK PLACE ADDITION,
IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-R62W OF THE 5th P.M.,
BROWN COUNTY, 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 TACOMA PARK PLACE ADDITION, IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-R62W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

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: _____
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

STAFF REPORT

August 18, 2020

Variance for Lot Frontage in AG-P District

ITEM # 09

GENERAL INFORMATION:

PETITIONER: Josh Heupel

REQUEST: Variance for Lot Frontage in an AG-P District.

LEGAL DESCRIPTION: Lot 2, "J. Heupel Addition" in the NE1/4 of Section 26-T123N-R60W of the 5th P.M., Brown County, South Dakota

LOCATION: 41053 134th Street

TOWNSHIP: Groton Twp

EXISTING ZONING: Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: BDM Water

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Lot Frontage Width for Lot 2 (18.89 acres), "J. Heupel Addition" zoned (AG-P) to allow the lot frontage width to be 115' rather than the 200' required.

GENERAL REVIEW: After review Staff recommends approval.

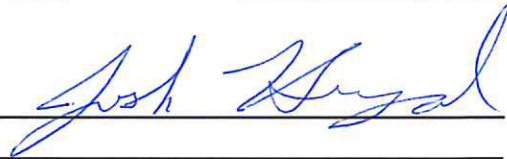
BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: August 5, 2020
RECEIPT # 138942
TOWNSHIP: Groton Twp

FEES: \$100.00
PAID: (YES/NO) (CHK/CASH)
DATE: 8-10-20

OWNERS SIGNATURE: Josh Heupel
OWNERS ADDRESS: 306 S 4th Street
OWNERS CITY, STATE, ZIP: Andover, SD 57422
OWNERS PHONE: 605-228-5444



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

REQUEST: Variance to Lot Frontage Width for Lot 2 (18.89 acres) to be 115' rather than the 200' required.

LEGAL DESCRIPTION: Lot 2, "J. Heupel Addition" in the NE1/4 of Section 26-T123N-R60W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 18, 2020 **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

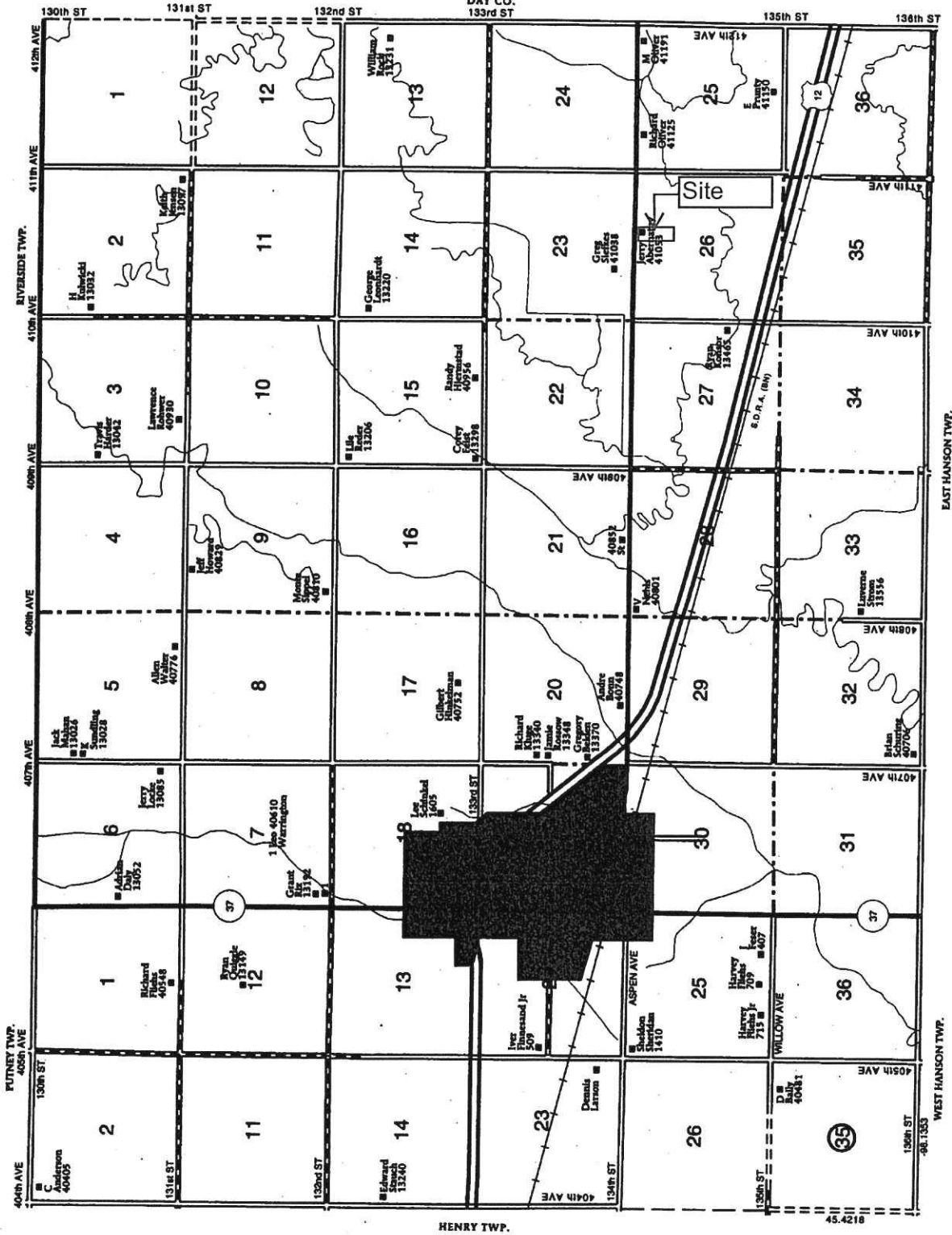
T-123-N

GROTON DIRECTORY

R-60-61-W

(Residents - Owners or Renters)

DAY CO.
133rd ST



HENRY TWP.

WEST HANSON TWP.

EAST HANSON TWP.

RIVERVIEW 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 Courthouse Annex, basement Community Meeting Room, on August 18, 2020 at 7:00 P.M. for the purpose of a Variance to Lot Size in an Agriculture Preservation District (AG-P).

Petitioner / Owner: Josh Heupel

Description of property: Lot 2, "J. Heupel Addition" in the NE1/4 of Section 26-T123N-R60W of the 5th P.M., Brown County, South Dakota (41053 134th Street).

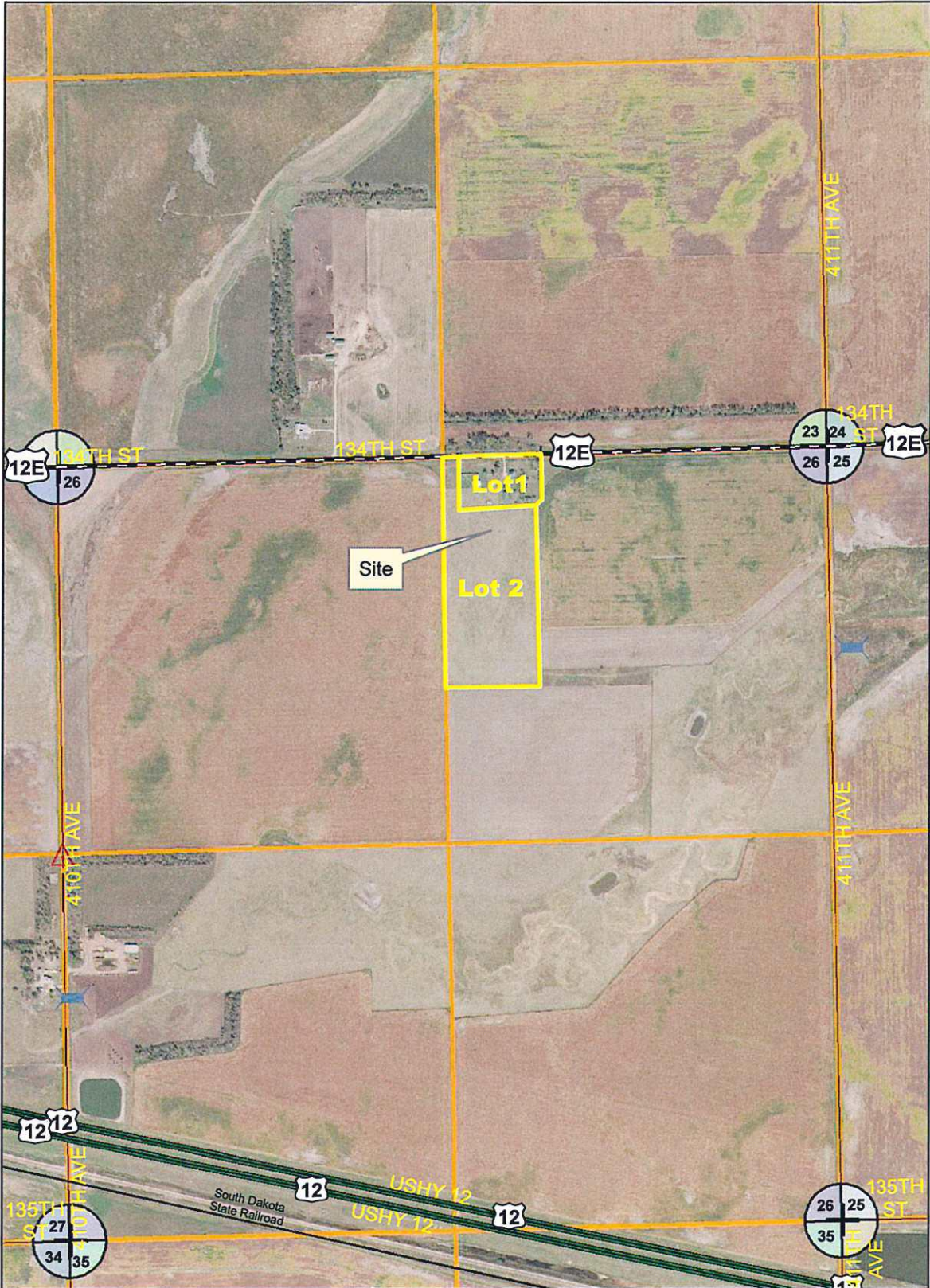
Reason: A Variance to Lot Frontage Width for Lot 2 (18.89 acres) to allow lot frontage width to be 115' rather than the 200' required and a Variance to Approach Separation to allow approach access to Lot 2 to be less than the 500' required (410') in an Agriculture Preservation District (AG-P).

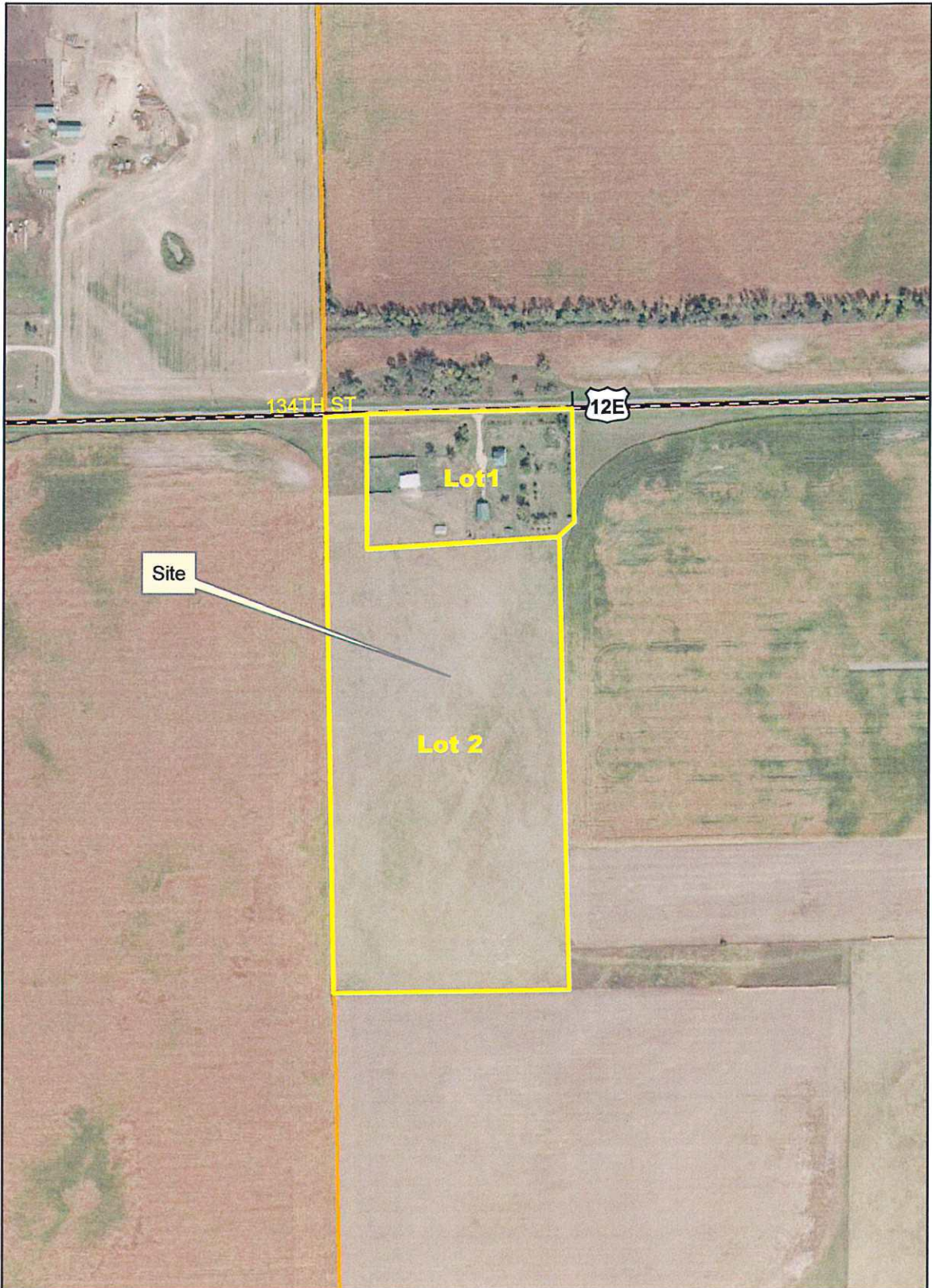
The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 7th day of August 2020

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

Published once at the total approximate cost of _____.



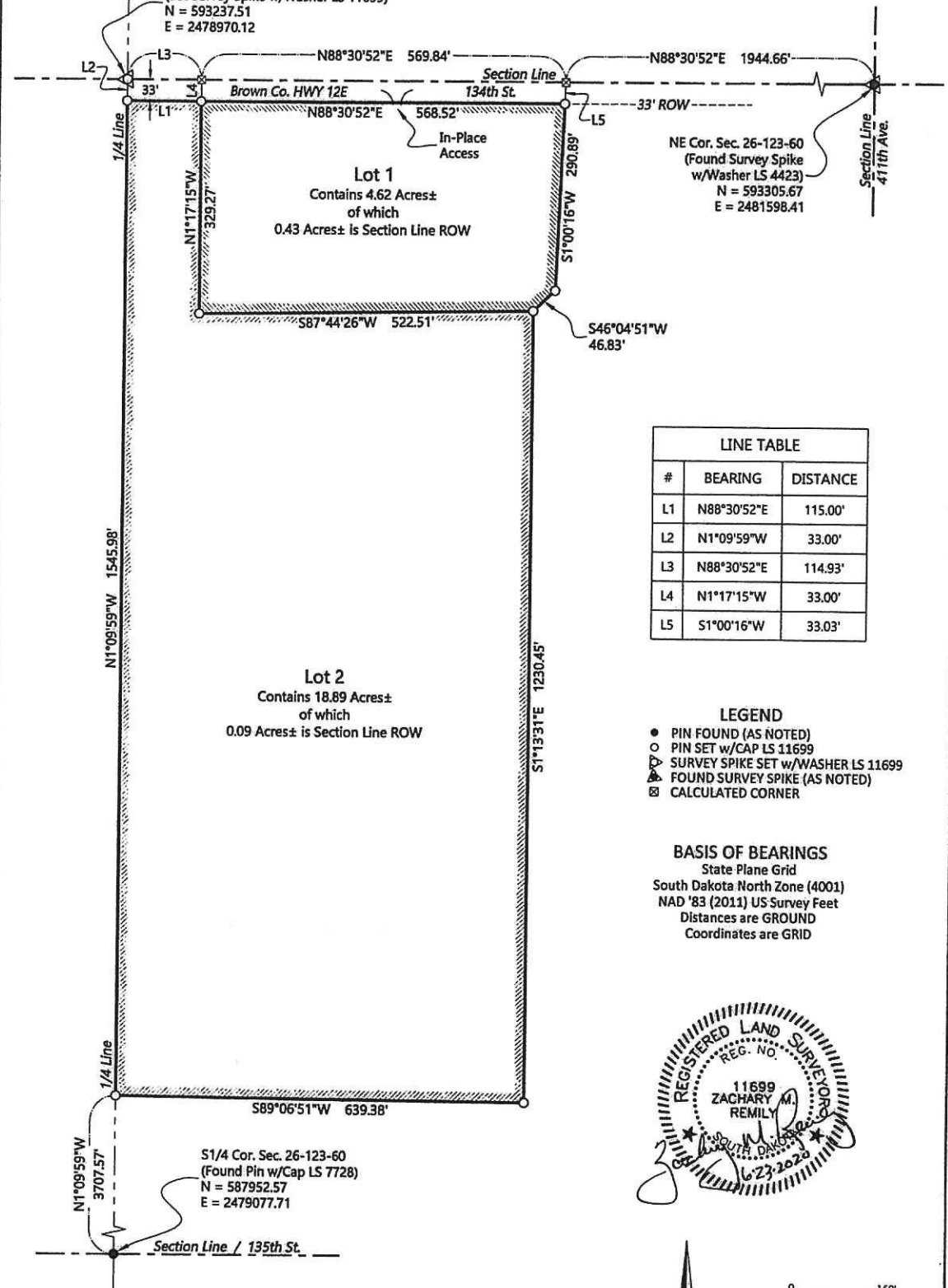


PLAT SHOWING J. HEUPEL ADDITION

IN THE NE 1/4 OF SECTION 26,
TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

N1/4 Cor. Sec. 26-123-60
(Set Survey Spike w/Washer LS 11699)
N = 593237.51
E = 2478970.12

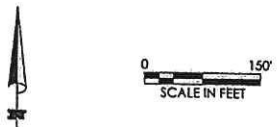
NE Cor. Sec. 26-123-60
(Found Survey Spike
w/Washer LS 4423)
N = 593305.67
E = 2481598.41



LINE TABLE		
#	BEARING	DISTANCE
L1	N88°30'52"E	115.00'
L2	N1°09'59"W	33.00'
L3	N88°30'52"E	114.93'
L4	N1°17'15"W	33.00'
L5	S1°00'16"W	33.03'

- LEGEND**
- PIN FOUND (AS NOTED)
 - PIN SET w/CAP LS 11699
 - ⊕ SURVEY SPIKE SET w/WASHER LS 11699
 - ⊗ FOUND SURVEY SPIKE (AS NOTED)
 - ⊠ CALCULATED CORNER

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



PREPARED BY:

CLARK ENGINEERING now **IMEG**

3314 Milwaukee Ave NE, Suite 2
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433

EOE

PLAT SHOWING
J. HEUPEL ADDITION
 IN THE NE1/4 OF SECTION 26,
 TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Jerrold Abernathy and Elizabeth Abernathy, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby certify that we are the owners of the Northeast Quarter (NE1/4) of Section Twenty-Six (26), Township One Hundred Twenty-Three (123) North, Range Sixty (60) West of the 5th P.M., Brown County, South Dakota, and that we have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 60 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.

Owners:

 Jerrold Abernathy

Signed this _____ day of _____, 2020.

 Elizabeth Abernathy

Signed this _____ day of _____, 2020.

COUNTY OF _____)
) SS
 STATE OF _____)

On this the _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Jerrold Abernathy and Elizabeth Abernathy, husband and wife, as joint tenants with right of survivorship and not as tenants in common, known to me or satisfactorily proven to be the person whose names Jerrold Abernathy and Elizabeth Abernathy, 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

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 "J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 23rd day of JUNE, 2020.



BROWN COUNTY HIGHWAY APPROVAL

"Access to **BROWN COUNTY HIGHWAY 12E / 134th 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."

Signed this _____ day of _____, 2020.

 Highway or Street Authority

COUNTY PLANNING COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

 Secretary of County Planning Commission
 Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

 County Auditor
 Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 60 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."

PREPARED BY:

CLARK
 ENGINEERING

now **IMEG**

3314 Milwaukee Ave NE, Suite 2
 Aberdeen, SD 57401
 Phone: (605) 225-3494
 Fax: (605) 225-5433 EOE

PLAT SHOWING
J. HEUPEL ADDITION
IN THE NE1/4 OF SECTION 26,
TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this ____ day of _____, 2020.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this ____ day of _____, 2020.

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this ____ day of _____, 2020, at ____ O'clock __ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds
Brown County, South Dakota

PREPARED BY:

CLARK
ENGINEERING

now **IMEG**

3314 Milwaukee Ave NE, Suite 2
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433 EOE

STAFF REPORT

August 18, 2020

REZONE PARCEL from an AG-P District

ITEM # 20

GENERAL INFORMATION

PETITIONER	Gene Loeschke
REQUEST	Petition to Rezone property
LEGAL DESCRIPTION	Lot 2, "Hanlon Subdivision" in the NE1/4 of Section 20-T123N-R62W of the 5th P.M., Brown County, South Dakota
LOCATION	13330 Park Rd
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this rezone from Agriculture Preservation District (AG-P) to Mini Agriculture District (M-AG) to bring into compliance.

REVIEW: Staff has reviewed and recommends approval.

NOTICE OF HEARING

Application has been made to Brown County Planning/Zoning Commission for a *REZONE PETITION*. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on *August 18, 2020 at 7:00 p.m.* for the purpose of Rezoning from *Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG)*.

Owner & Petitioner: Gene Loeschke

Description of property: Lot 2, "Hanlon Subdivision" in the NE1/4 of Section 20-T123N-R62W of the 5th P.M., Brown County, South Dakota (13330 Park Rd).

Reason: To bring into compliance.

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 date with the Brown County Auditor.

Dated this 3rd day of August 2020

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

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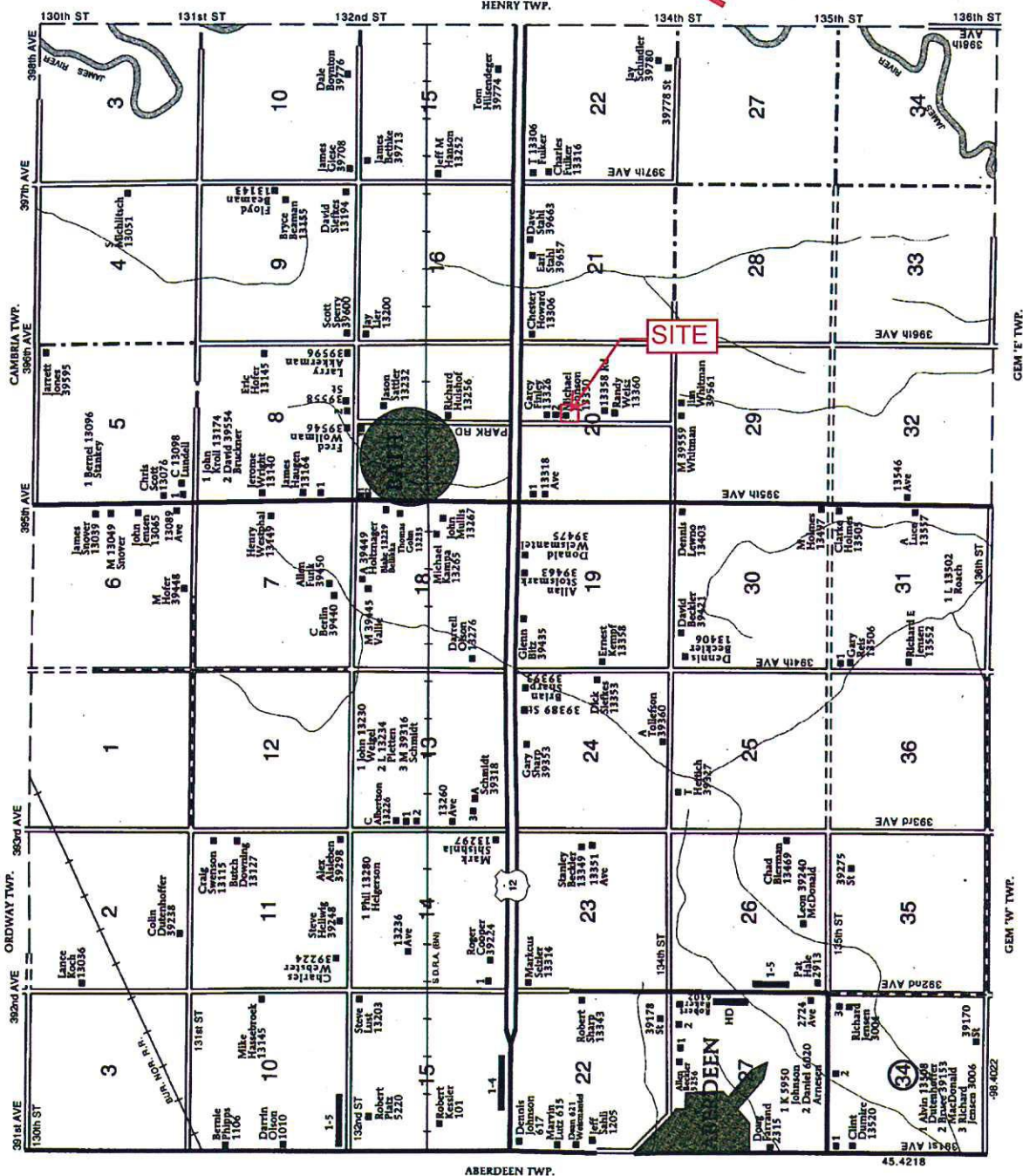
T-123-N

BATH DIRECTORY

(Residents - Owners or Renters)

N

R-62-63-W



BATH TOWNSHIP

- SECTION 10N**
 - 1 Becker, Ron 5005
 - 2 Tennant, Cory 5025
 - 3 5091
 - 4 Gross, Del 5115
 - 5 Harper, Steve 5219
- SECTION 15W**
 - 1 Gosaman, C 5405
 - 2 Eilers, Todd 5455
 - 3 Knudson, R 5485
 - 4 Gosaman, S 5755
- SECTION 17**
 - 1 Buschler, Jerry 12228
 - 2 Brinkman, Stanley 13220
- SECTION 20**
 - 1 Weasphal, Henry 13316
 - 2 Rohrbach, Kevin 13328
- SECTION 28**
 - 1 Beilikka, Deryl 2111
 - 2 Kohlhass, Paul 2135
 - 3 Griese, Doug 2215
 - 4 Rud, Robert 2317
 - 5 Mattam, R 2519

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 7/28/2020
Receipt: 139922
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

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

Legal Description:

Lot 2, "Hanlon Subdivision" in the NE1/4 of Section 20-T123N-R62W of the 5th P.M.,
Brown County, South Dakota

General Area Location or Street Address: 13330 Park Rd

From the Agriculture Preservation District

To the Mini Agriculture District

Purpose: To Bring Into Compliance

Size of Parcel: 5.76 acres

Existing Land Use: Mini-Agriculture

Petitioner: (Print) Gene Loeschke

Signature: *Gene Loeschke*

Date: 7/28/20 Phone: 605-448-8472

Address: 24 N 5th St

Groton, SD 57445

City State Zip

Owner: (Print) Gene Loeschke

Signature: *Gene Loeschke*

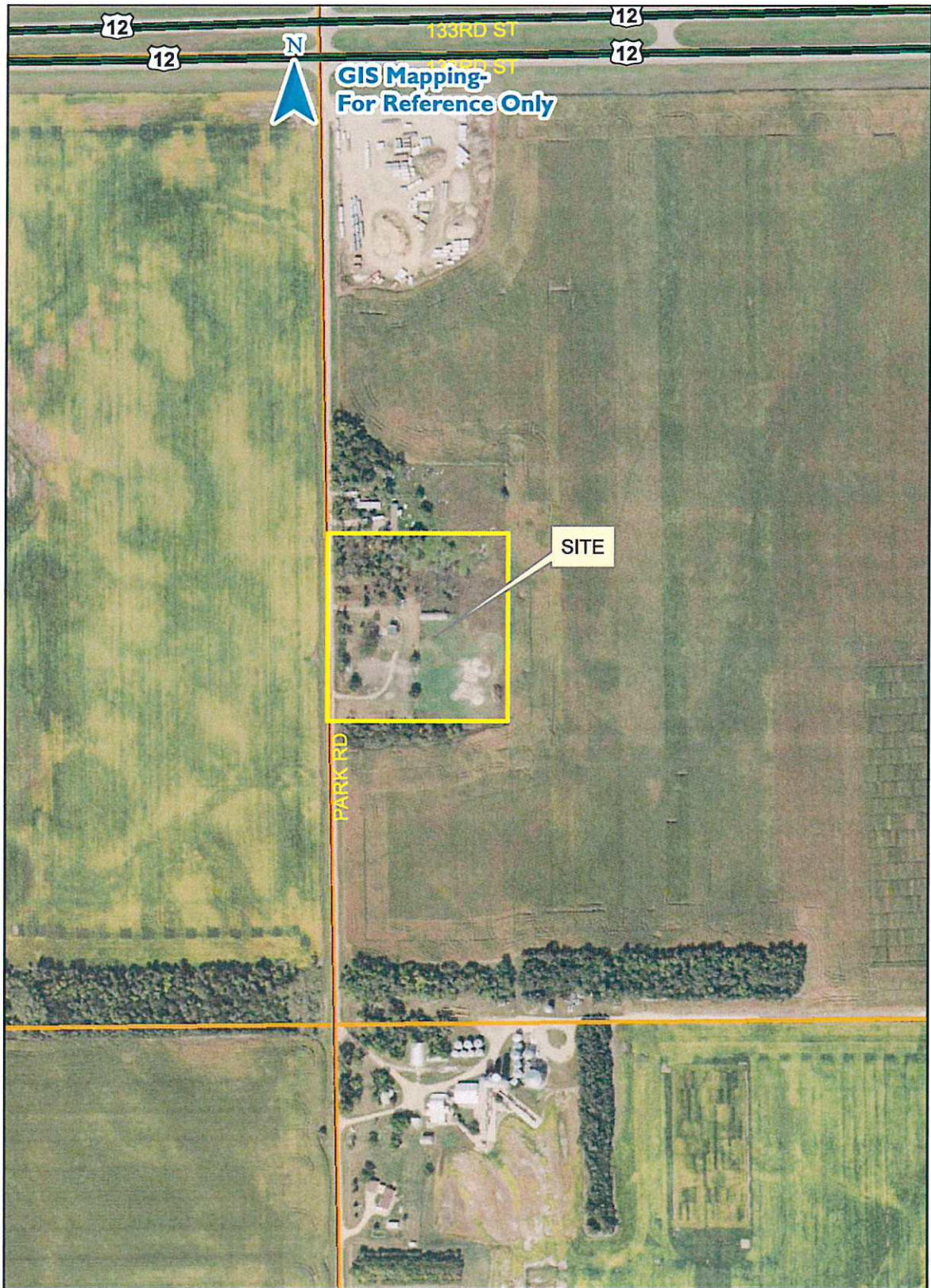
Date: 7/28/20 Phone: 605-448-8472

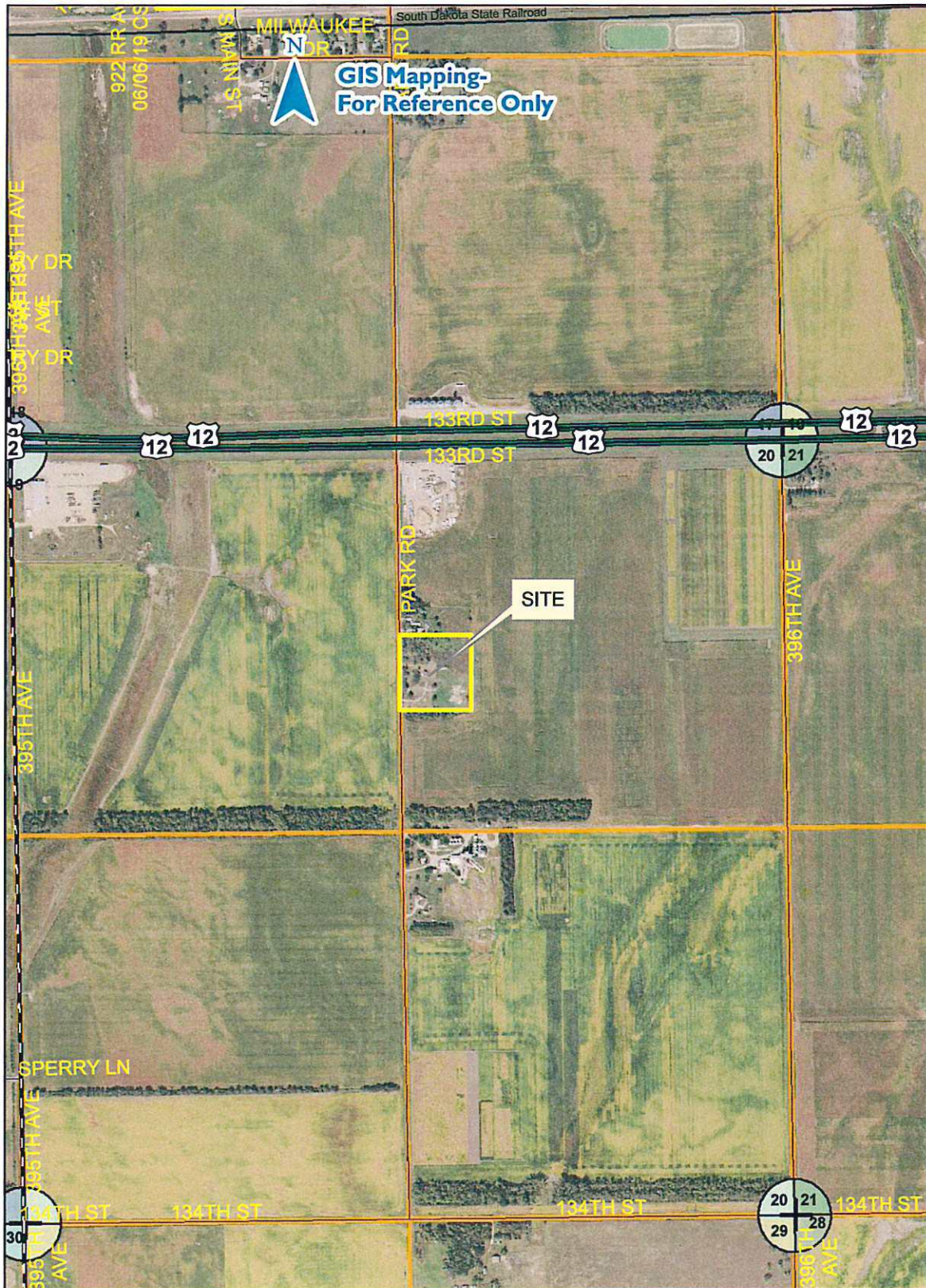
Address: 24 N 5th St

Groton, SD 57445

City State Zip

Additional Signatures may be submitted on a separate page.





STAFF REPORT

August 18, 2020

REZONE PARCEL from an AG-P District

ITEM # 21

GENERAL INFORMATION

PETITIONER	Sandra Kriesel
REQUEST	Petition to Rezone property
LEGAL DESCRIPTION	"Outlot 1", "Replat of Miller's Outlot F" in the SE1/4 of Section 24-T124- R65W of the 5th P.M., Brown County, South Dakota
LOCATION	379540 N. Shore Dr.
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING	
North:	Agriculture Preservation District (AG-P)
South:	Lakefront Residential District (R-3)
East:	Agriculture Preservation District (AG-P)
West:	Lakefront Residential District (R-3)
PUBLIC UTILITIES	WEB Water
REPORTED BY	Scott Bader

GENERAL COMMENT: The petitioner is requesting this rezone from Agriculture Preservation District (AG-P) to Lakefront Residential District (R-3) for future development.

REVIEW: Staff has reviewed and recommends approval.

NOTICE OF HEARING

Application has been made to Brown County Planning/Zoning Commission for a REZONE PETITION. A hearing will be held in the Courthouse Annex in the basement Community Meeting Room, on August 18, 2020 at 7:00 p.m. for the purpose of Rezoning from *Agriculture Preservation District (AG-P) to Lakefront Residential District (R-3)*.

Owner & Petitioner: Sandra Kriesel

Description of property: Outlot 1, "Replat of Miller's Outlot F" in the SE1/4 of Section 24-T124N-R65W of the 5th P.M., Brown County, South Dakota (379540 N. Shore Dr).

Reason: For future development.

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 date with the Brown County Auditor.

Dated this 3rd day of August 2020

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

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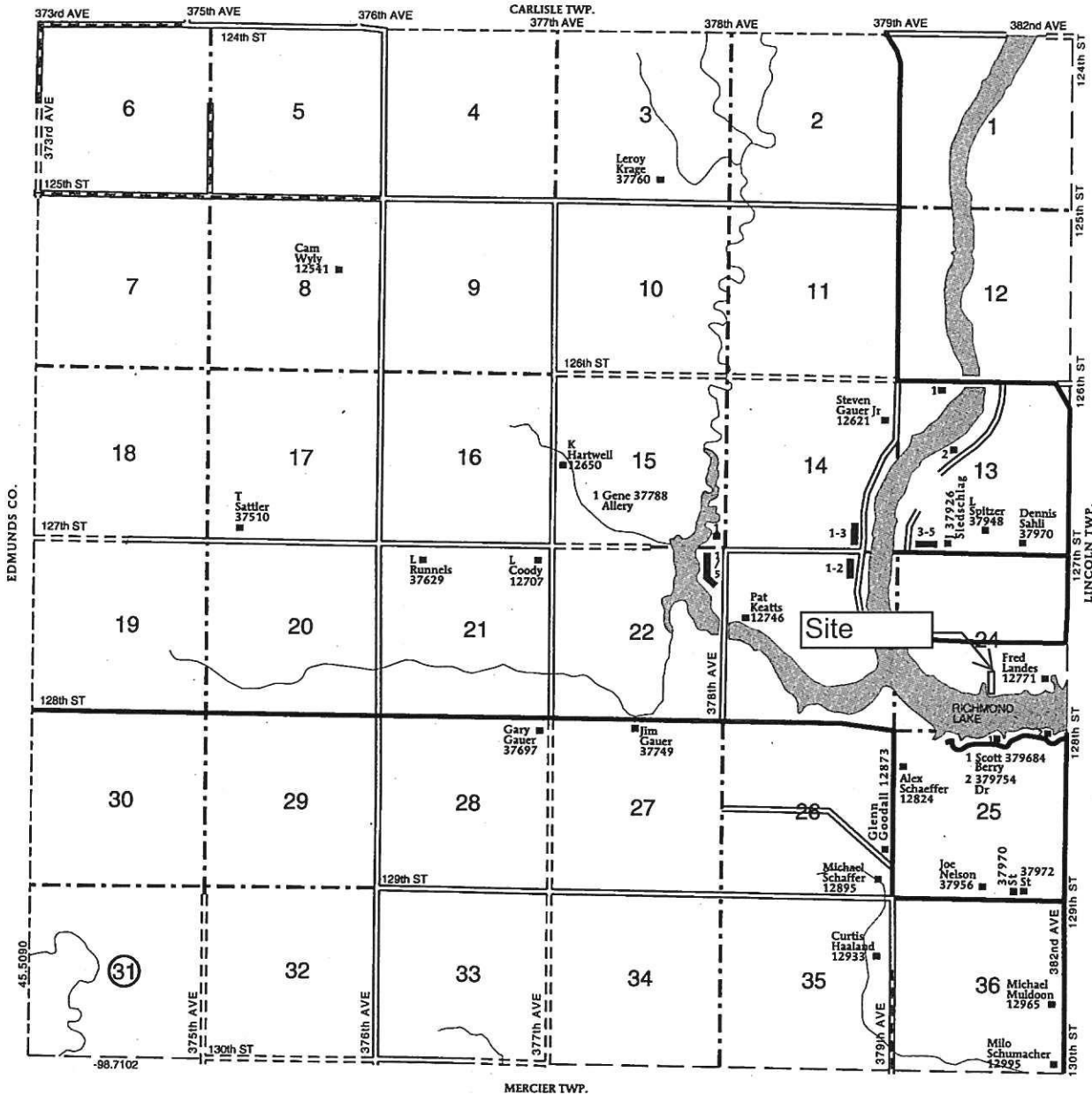
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T-124-N

RAVINIA DIRECTORY

R-65-W

(Residents - Owners or Renters)



RAVINIA TOWNSHIP

SECTION 13

- 1 Kirchgesser, Jim 37935
- 2 Bahr, Justin 126401
- 3 Schmitz, B 37902
- 4 Vitense, David 37908
- 5 Biegler, Jerry 37910

SECTION 14

- 1 Mishaw, Mark 126928
- 2 Lutz, Douglas 126966
- 3 126974

SECTION 22

- 1 Myhre, Gary 127093
- 2 Anderson, Jeremiah 127131
- 3 Millett, Craig 127151
- 4 Thayer, Dan 127257
- 5 Wahl, Lanny 127395

SECTION 23

- 1 Wolf, Frank 127148
- 2 Fischer, Brock 127216

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 8-5-20
Receipt: 139938
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:

"Outlot I", "Replat of Miller's Outlot F" in the SE1/4 of 24-T124N-R65W of the 5th P.M.,
Brown County, South Dakota

General Area Location or Street Address: 379540 N Shore Drive

From the Agricultural Preservation District

To the Lake Front Residential District

Purpose: Future Development

Size of Parcel: 1 Acre

Existing Land Use: Residential

Petitioner: (Print) Sandra Kriesel

Signature: *Sandra Kriesel*

Date: _____ Phone: 605-216-3735

Address: 2115 N State Street

Aberdeen, SD 57401

City State Zip

Owner: (Print) Sandra Kriesel

Signature: *Sandra Kriesel*

Date: _____ Phone: 605-216-3735

Address: 2115 N State Street

Aberdeen, SD 57401

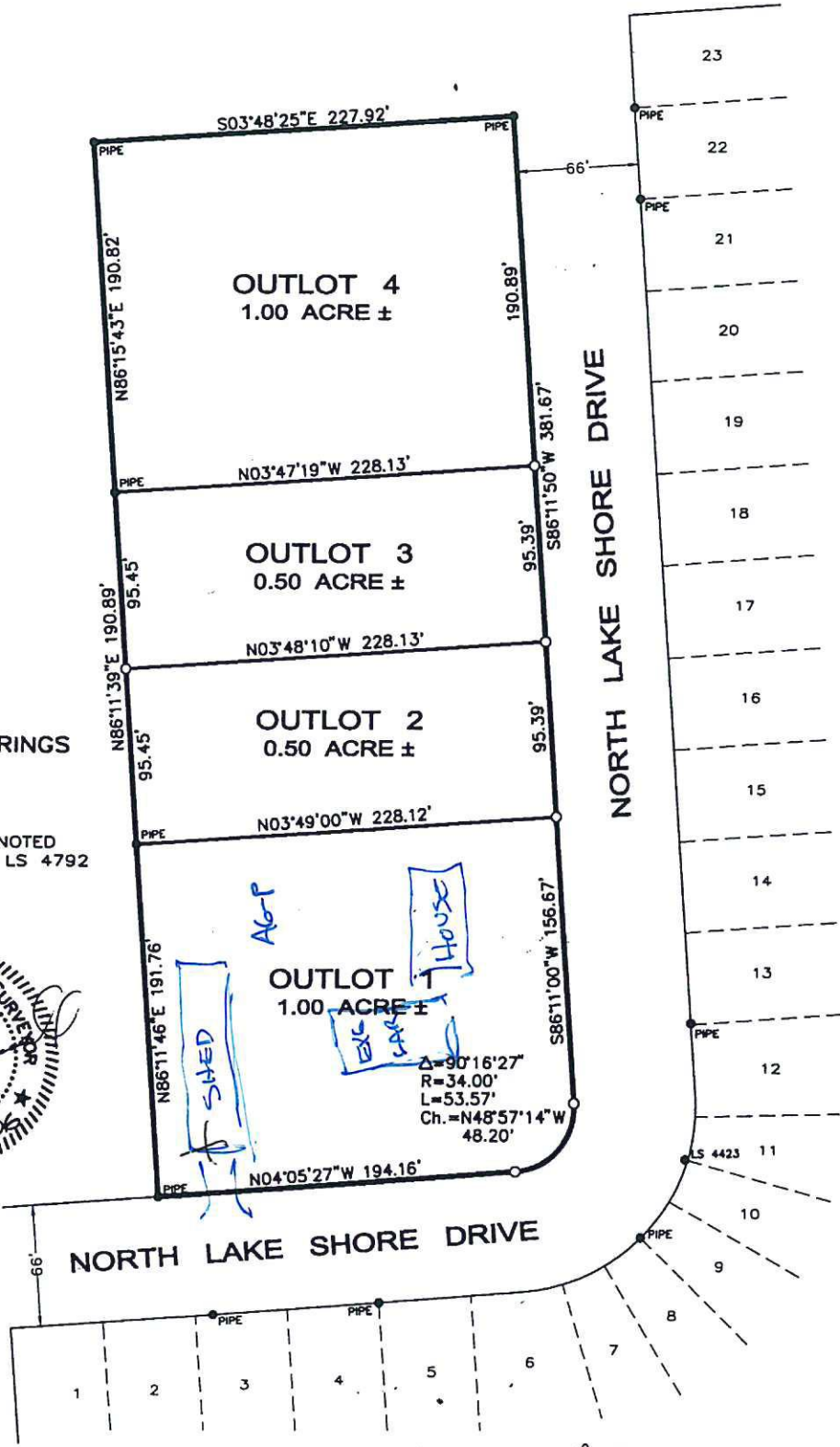
City State Zip

Additional Signatures may be submitted on a separate page.

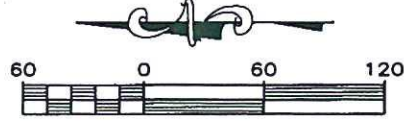
**PLAT SHOWING
REPLAT of MILLER'S OUTLOT F
In the SE-1/4 of SECTION 24, T124N R65W
of the 5th P.M., BROWN COUNTY, SOUTH DAKOTA**

**BASIS OF BEARINGS
ASSUMED**

LEGEND
● PIN FOUND AS NOTED
○ PIN SET w/CAP LS 4792



Prepared by:
CLARK
ENGINEERING CORPORATION
2301-8th Avenue NE, Suite 125
Aberdeen, SD 57401
(605) 225-3494
(605) 225-5433 fax



#776

Brown County GIS Map
(for reference only)



*Brown County GIS Map
(for reference only)*

FOREST DR

CN

AG-P

06B

YOUTH CAMP RD

06B

YOUTH CAMP RD

M

R-3

AG-P

R-3

R-3

R-3

R-3

R-3

R-3

R-3

R-3

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R-3

R-3

AG-P2

N SHORE DR

06F

AG-P

AG-P

AG-P

AG-P

AG-P

AG-P

R-3

ROW



*Brown County GIS Map
(for reference only)*



Future House and
Camper Garage in this area

R-3

R-3

R-3

R-3

R-3

ROW

06F

N SHORE DR

AG-P

AG-P

R-3

R-3

R-3

R-3

R-3

R-3

R-3

R-3

AG-P2

STAFF REPORT

August 18, 2020

PRELIMINARY & FINAL PLAT

ITEM # 22

GENERAL INFORMATION:

PETITIONER: Josh Heupel

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: J. Heupel Addition in the NE1/4 of Section 26-T123N-R60W of the 5th P.M., Brown County, South Dakota

LOCATION: 41053 134th Street

TOWNSHIP: Groton Twp

EXISTING ZONING: Agriculture District (AG-P)

SURROUNDING ZONING:

- North: Agriculture Preservation District (AG-P)
- South: Agriculture Preservation District (AG-P)
- East: Agriculture Preservation District (AG-P)
- West: Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: BDM Water

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting this Preliminary and Final plat for conveyance purposes.

GENERAL REVIEW: After review Staff recommends approval

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME J. Heupel Addition

QUARTER: NE SECTION: 26 TOWNSHIP: 123 RANGE: 60

LOTS 1, 2, 3 1,2 TRACTS 1, 2, 3 _____ PARCELS 1, 2, 3 _____ NOTHING SHOWN _____

OWNERS NAMES: Josh Heupel

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Zachary Remily (Clark Engineering)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: ~~\$25.00~~ ACRES x \$1.00 _____ TOTAL: \$ 100.00 DATE PAID: ____/____/20____

RECEIVED BY PLANNING DEPARTMENT: 07 / 23 /20 20 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE X FINANCIAL PURPOSES _____ BOTH _____

PLAT: ON 11 x 17 MYLAR X ON 11 x 17 PHOTO PAPER _____

STREETS/ROADS NAMED PROPERLY X

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED _____

DIMENSION ALL LINEWORK FOR GIS DEPT. _____ BEARINGS & DISTANCES SHOWN TO "CLOSE" _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE _____

HIGHWAY SIGNATURE LINE SHOWN (STATE, COUNTY, TOWNSHIP) X

HIGHWAY SIGNATURE LINE SIGNED _____

TAXES PAID IN FULL FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

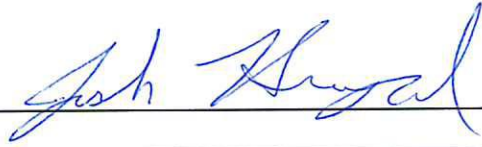
BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: July 27, 2020
RECEIPT # 139943
TOWNSHIP: Groton Twp

FEES: \$100.00
PAID: (YES/NO) (CHK/CASH)
DATE: 8-10-20

OWNERS SIGNATURE: Josh Heupel
OWNERS ADDRESS: 306 S 4th St
OWNERS CITY, STATE, ZIP: Andover, SD 57422
OWNERS PHONE: 605-228-5444



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

REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: Lots I & 2, J Heupel Addition in the NE1/4 of Section 26-T123N-R60W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 18, 2020 TIME: 7:00 pm

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

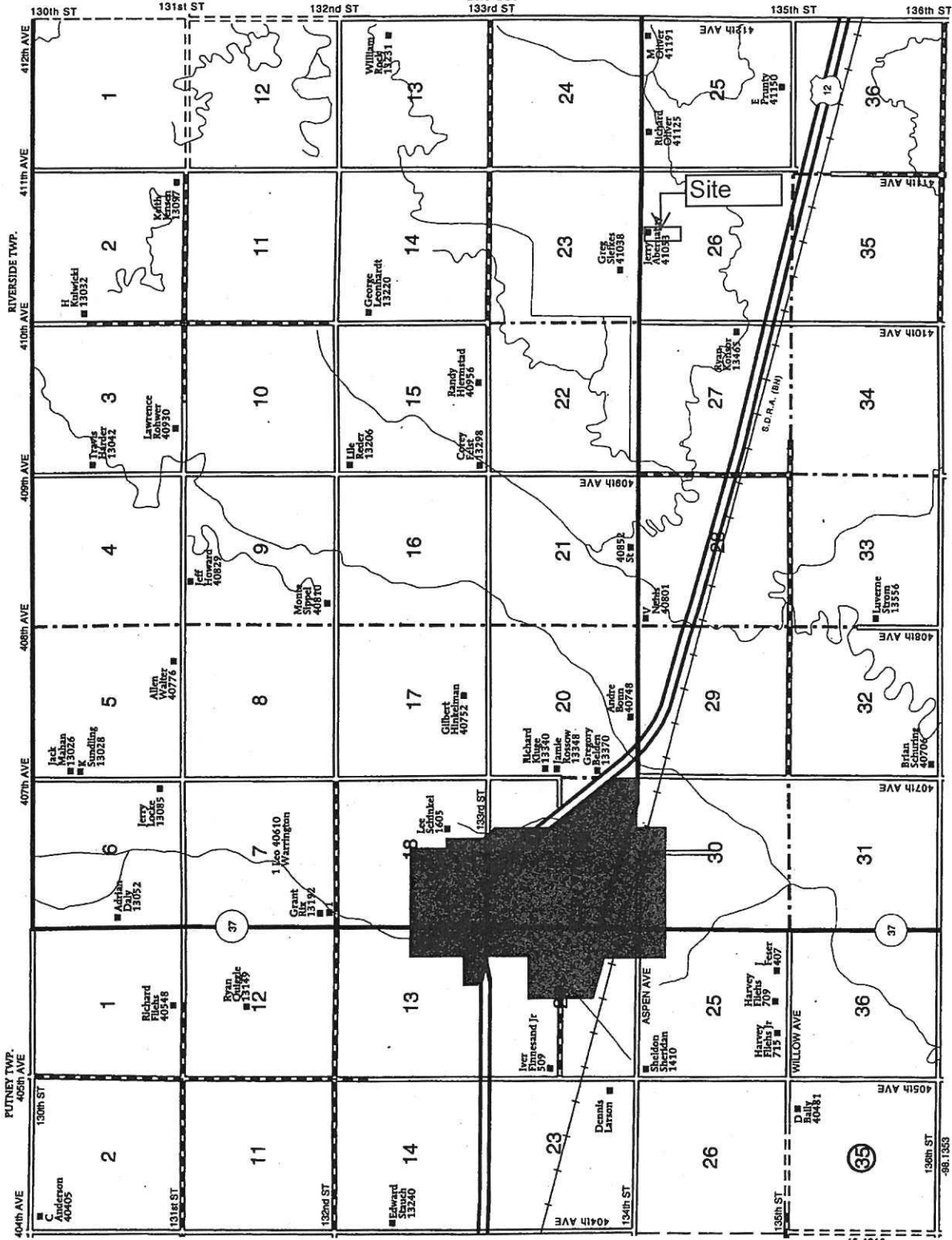
25 Market Street • Aberdeen, South Dakota 57401-4203

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

(Residents - Owners or Renters)

DAY CO.

133rd ST



PUTNEY TWP. 405th AVE
 RIVERSIDE TWP. 410th AVE
 404th AVE
 406th AVE
 407th AVE
 408th AVE
 409th AVE
 410th AVE
 411th AVE
 412th AVE

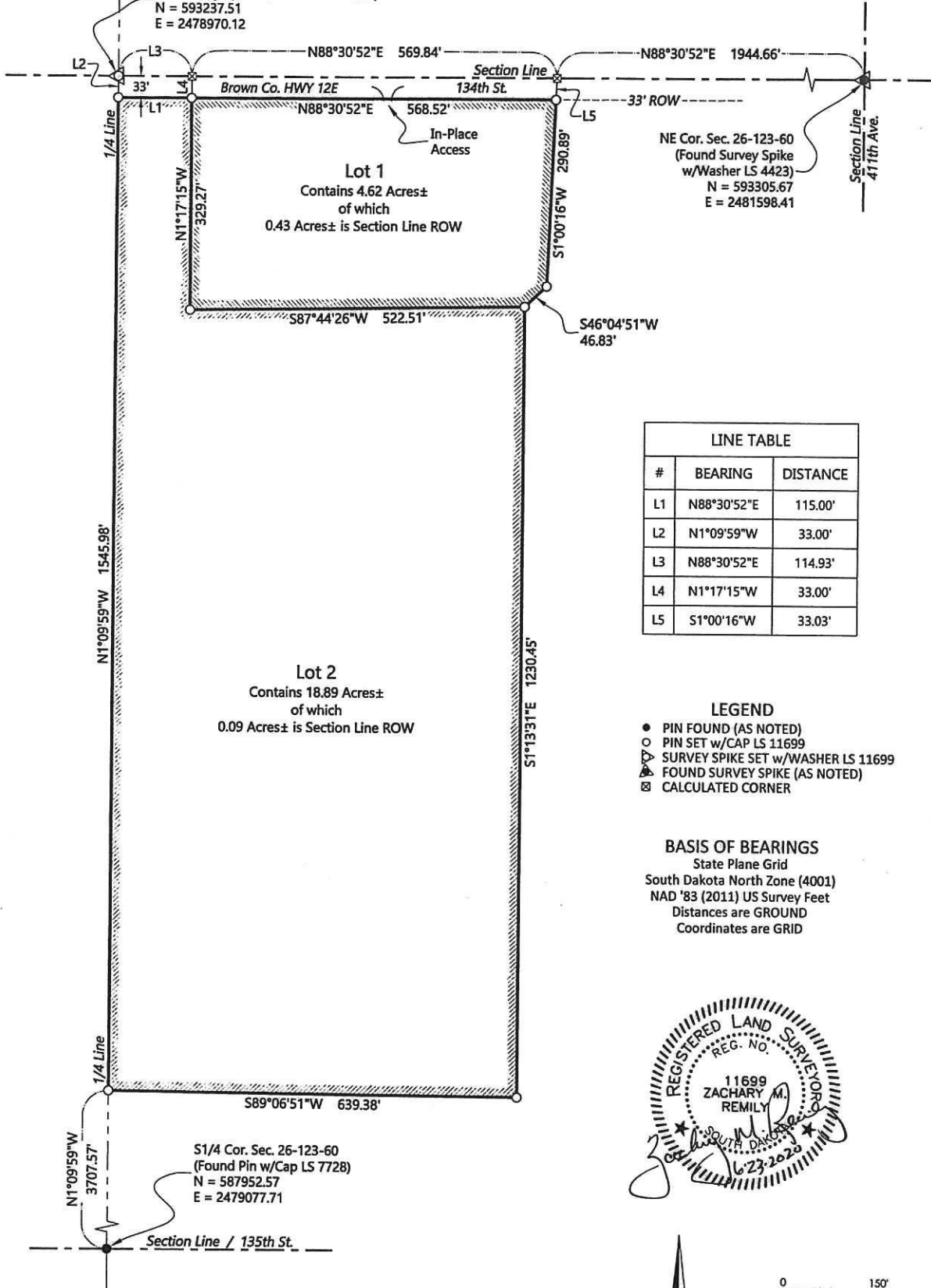
HENRY TWP.
 WEST HANSON TWP.

PLAT SHOWING J. HEUPEL ADDITION

IN THE NE1/4 OF SECTION 26,
TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

N1/4 Cor. Sec. 26-123-60
(Set Survey Spike w/Washer LS 11699)
N = 593237.51
E = 2478970.12

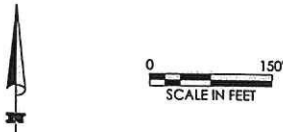
NE Cor. Sec. 26-123-60
(Found Survey Spike
w/Washer LS 4423)
N = 593305.67
E = 2481598.41



LINE TABLE		
#	BEARING	DISTANCE
L1	N88°30'52"E	115.00'
L2	N1°09'59"W	33.00'
L3	N88°30'52"E	114.93'
L4	N1°17'15"W	33.00'
L5	S1°00'16"W	33.03'

- LEGEND**
- PIN FOUND (AS NOTED)
 - PIN SET w/CAP LS 11699
 - ▲ SURVEY SPIKE SET w/WASHER LS 11699
 - ▴ FOUND SURVEY SPIKE (AS NOTED)
 - ⊠ CALCULATED CORNER

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



PREPARED BY:



3314 Milwaukee Ave NE, Suite 2
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433

EOE

PLAT SHOWING
J. HEUPEL ADDITION
 IN THE NE1/4 OF SECTION 26,
 TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Jerrold Abernathy and Elizabeth Abernathy, husband and wife, as joint tenants with right of survivorship and not as tenants in common, do hereby certify that we are the owners of the Northeast Quarter (NE1/4) of Section Twenty-Six (26), Township One Hundred Twenty-Three (123) North, Range Sixty (60) West of the 5th P.M., Brown County, South Dakota, and that we have caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 60 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.

Owners:

 Jerrold Abernathy Signed this _____ day of _____, 2020.

 Elizabeth Abernathy Signed this _____ day of _____, 2020.

COUNTY OF _____)
) SS
 STATE OF _____)

On this the _____ day of _____, 2020, before me, _____, the undersigned officer, personally appeared Jerrold Abernathy and Elizabeth Abernathy, husband and wife, as joint tenants with right of survivorship and not as tenants in common, known to me or satisfactorily proven to be the person whose names Jerrold Abernathy and Elizabeth Abernathy, 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

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 "J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 23rd day of JUNE, 2020.



BROWN COUNTY HIGHWAY APPROVAL

"Access to BROWN COUNTY HIGHWAY 12E / 134th 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."

Signed this _____ day of _____, 2020. _____
 Highway or Street Authority

COUNTY PLANNING COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

 Secretary of County Planning Commission
 Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

 County Auditor
 Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123 NORTH, RANGE 60 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."

PREPARED BY:



3314 Milwaukee Ave NE, Suite 2
 Aberdeen, SD 57401
 Phone: (605) 225-3494
 Fax: (605) 225-5433

EOE

PLAT SHOWING
J. HEUPEL ADDITION
IN THE NE1/4 OF SECTION 26,
TOWNSHIP 123 NORTH, RANGE 60 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this ____ day of _____, 2020.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this ____ day of _____, 2020.

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this ____ day of _____, 2020, at ____ O'clock ____ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds
Brown County, South Dakota

PREPARED BY:

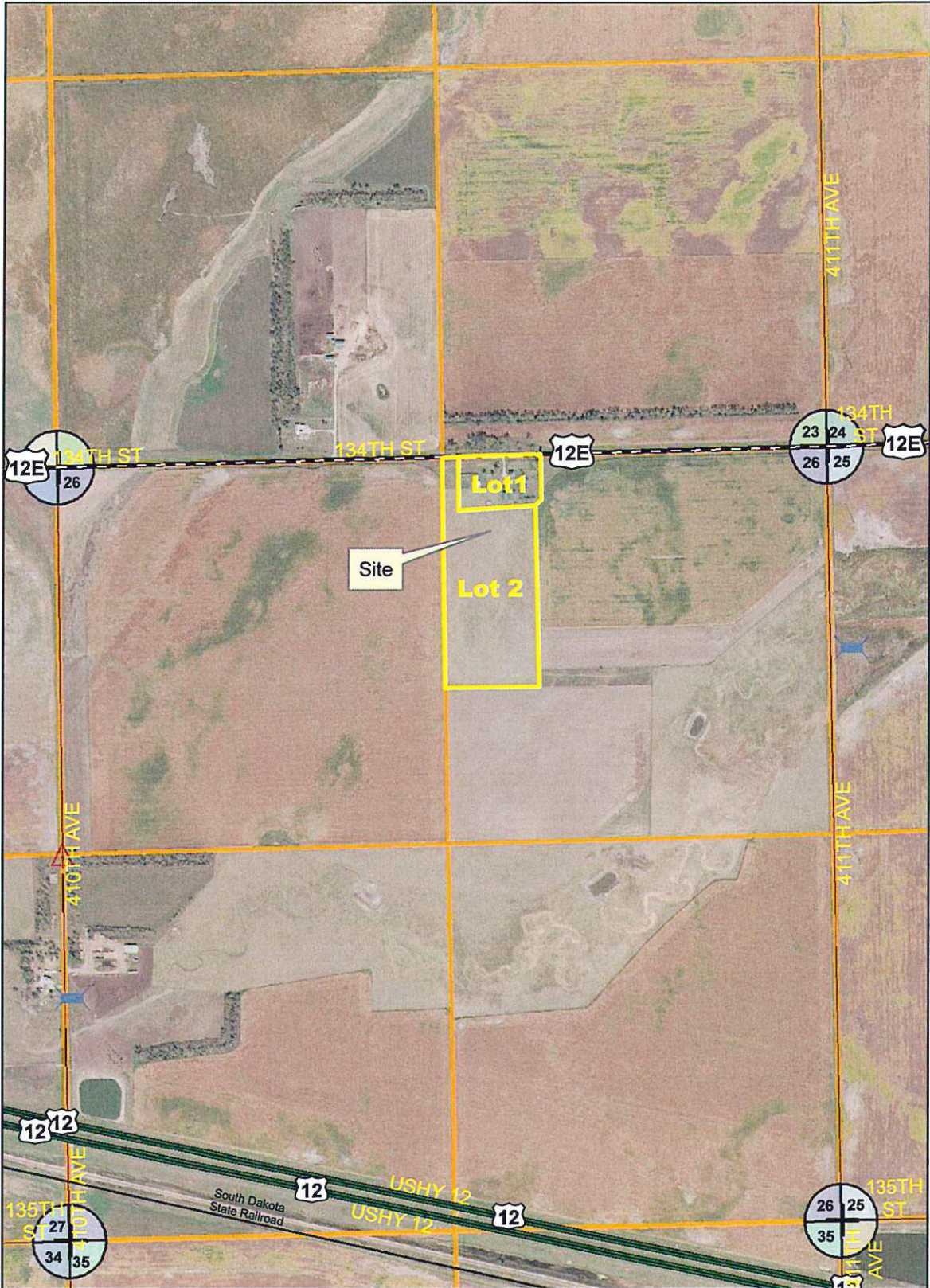
CLARK
ENGINEERING

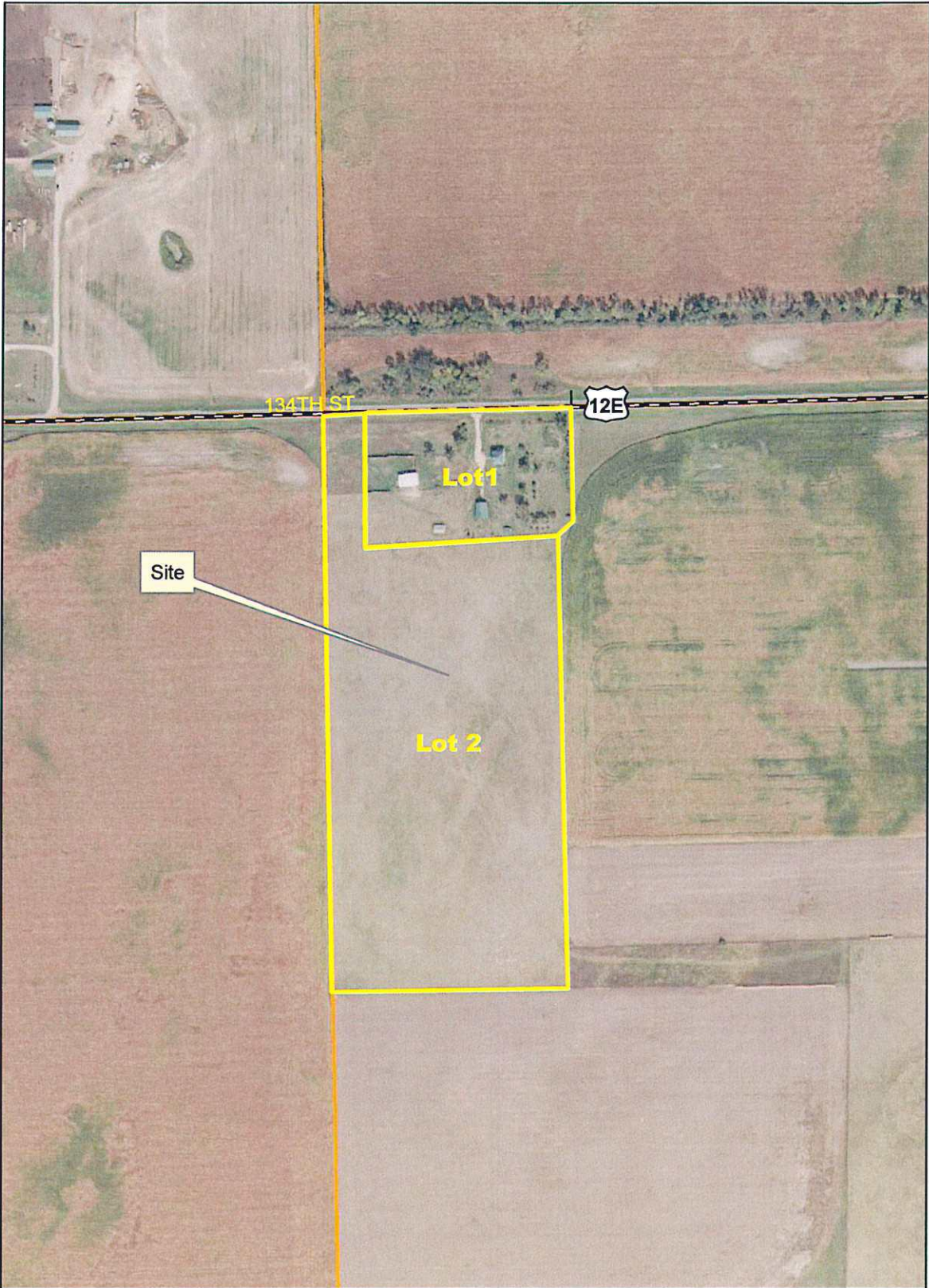
now

IMEG

3314 Milwaukee Ave NE, Suite 2
Aberdeen, SD 57401
Phone: (605) 225-3494
Fax: (605) 225-5433

EOE





STAFF REPORT

August 18, 2020

PRELIMINARY & FINAL PLAT

ITEM # 23

GENERAL INFORMATION:

PETITIONER: Matthew Johnson

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: "Roger and Diane Johnson Subdivision" in the SW1/4 of Section 33-T125N-R60W of the 5th P.M., Brown County, South Dakota

LOCATION: 40810 124th Street

TOWNSHIP: Claremont Twp

EXISTING ZONING: Agriculture District (AG-P)

SURROUNDING ZONING:

North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: BDM Water

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting this Preliminary and Final plat for conveyance purposes.

GENERAL REVIEW: After review Staff recommends approval

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Roger and Diane Johnson Subdivision

QUARTER: SW SECTION: 33 TOWNSHIP: 125 RANGE: 60

LOTS 1, 2, 3 1 TRACTS 1, 2, 3 _____ PARCELS 1, 2, 3 _____ NOTHING SHOWN _____

OWNERS NAMES: Matthew Johnson

OWNERS NAMES: Tanya Johnson

OWNERS NAMES: Roger Johnson

ENGINEER OR SURVEYOR: Randy D. Bacon (Helms & Associates)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: ~~\$25.00~~ ACRES x \$1.00 _____ TOTAL: \$ 100.00 DATE PAID: _____/_____/20_____

RECEIVED BY PLANNING DEPARTMENT: 08 / 03 /2020 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT X CONVEYANCE _____ FINANCIAL PURPOSES _____ BOTH _____

PLAT: ON 11 x 17 MYLAR X ON 11 x 17 PHOTO PAPER _____

STREETS/ROADS NAMED PROPERLY X

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED _____

DIMENSION ALL LINEWORK FOR GIS DEPT. X BEARINGS & DISTANCES SHOWN TO "CLOSE" X

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE X

HIGHWAY SIGNATURE LINE SHOWN (STATE, COUNTY, TOWNSHIP) X

HIGHWAY SIGNATURE LINE SIGNED _____

TAXES PAID IN FULL FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED _____

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

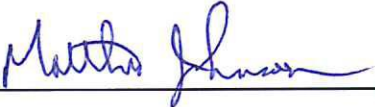
CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: July 31, 2020 FEES: \$100.00
RECEIPT # 139939 PAID: YES/NO CHK/CASH
TOWNSHIP: Claremont Twp DATE: 8/5/2020

OWNERS SIGNATURE: Matthew Johnson 
OWNERS ADDRESS: 12996 409th Ave
OWNERS CITY, STATE, ZIP: Groton, SD 57445
OWNERS PHONE: 605-397-7430

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

REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: Lot 1, "Roger and Diane Johnson Subdivision" in the SW1/4 of Section 33-T125N-R60W of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied _____

By: _____ Date: _____

HEARING DATE: August 18, 2020 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

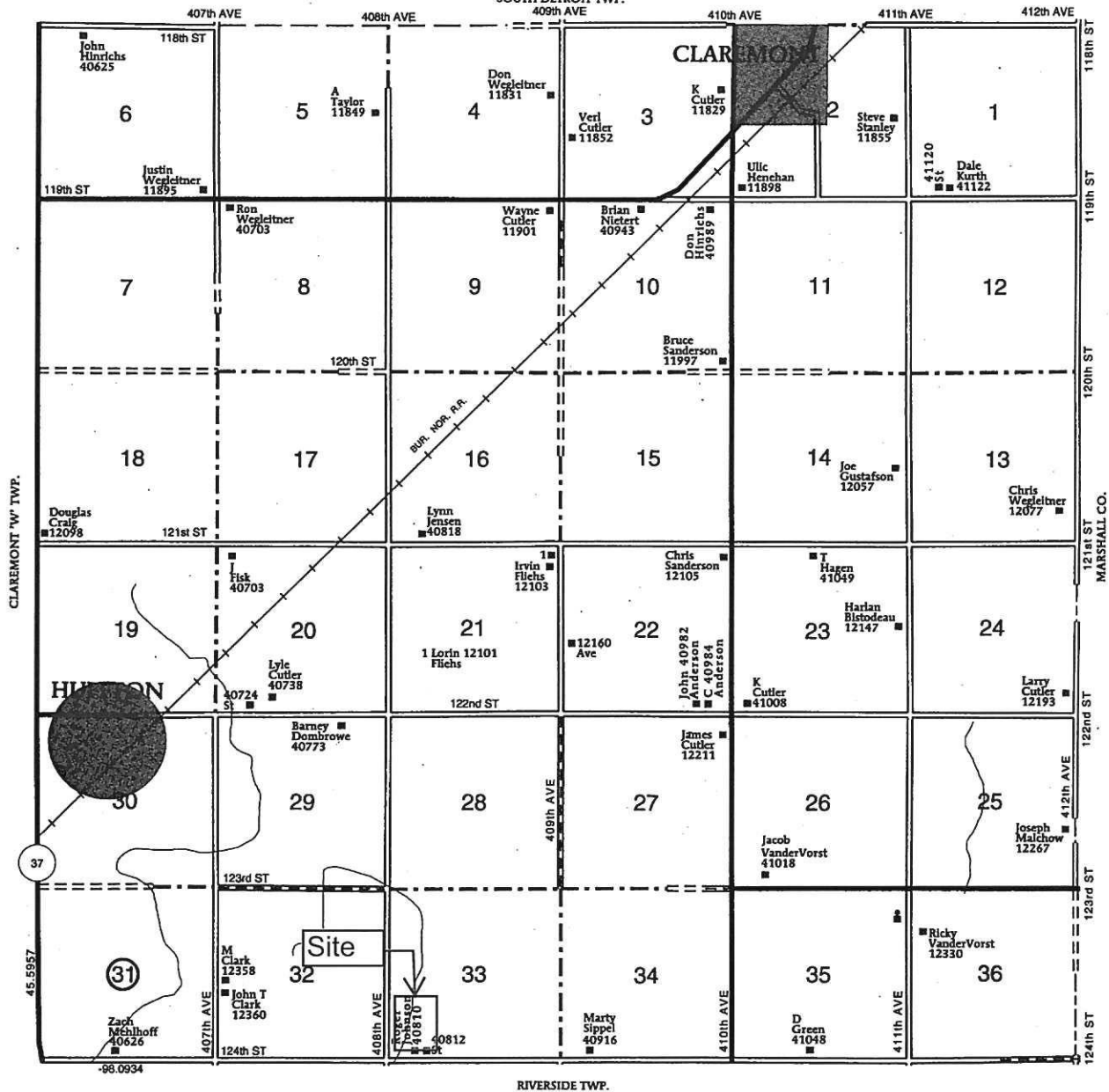


T-125-N

CLAREMONT 'E' DIRECTORY

R-60-W

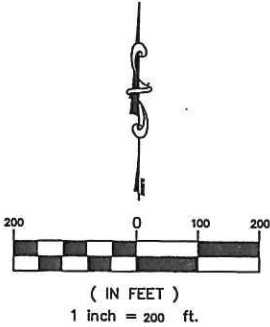
(Residents - Owners or Renters)
SOUTH DETROIT TWP.



PLAT OF

A-7696

**ROGER AND DIANE JOHNSON SUBDIVISION
IN THE SW 1/4 OF SECTION 33-T125N-R60W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

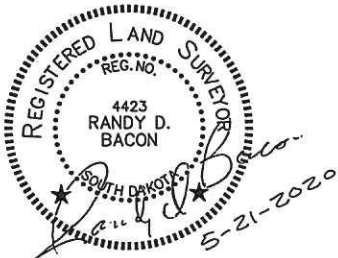
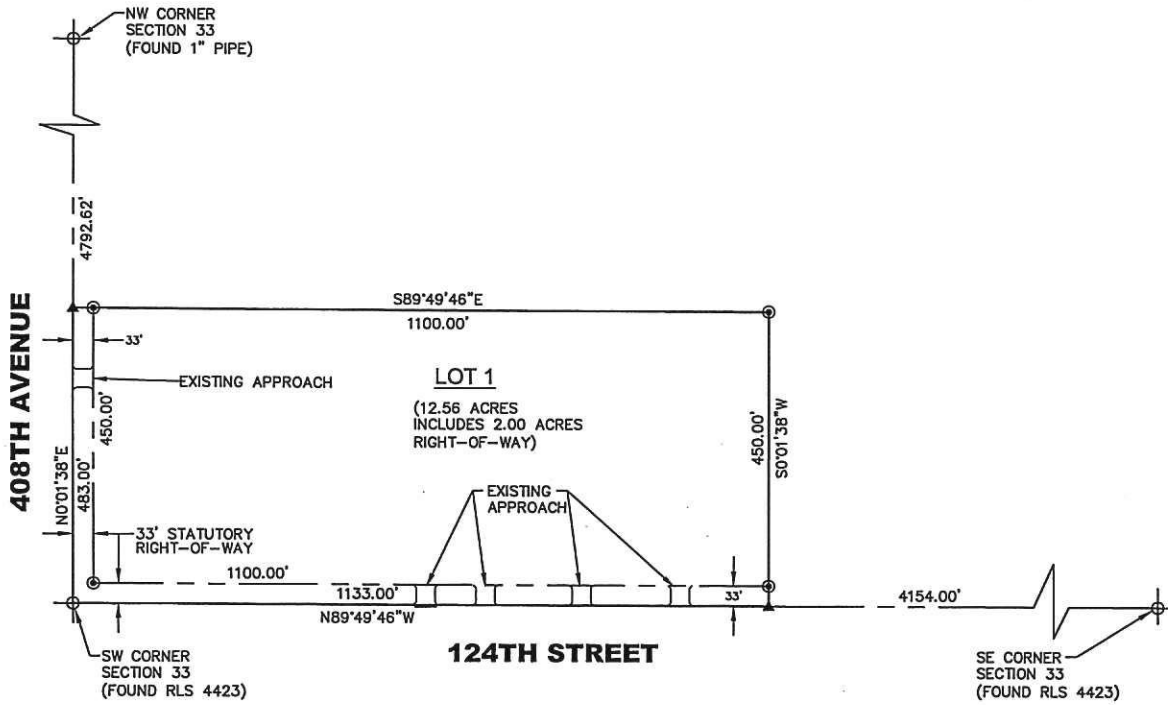


LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
- ▲ CALCULATED POSITION

BASIS OF BEARINGS

TRUE MERIDIAN GPS



Helm & Associates
CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County
Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

**PLAT OF
ROGER AND DIANE JOHNSON SUBDIVISION
IN THE SW 1/4 OF SECTION 33-T125N-R60W 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 ROGER F. JOHNSON AND MATTHEW JOHNSON AND TANYA JOHNSON AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, WE DID ON OR PRIOR TO MAY 6, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: ROGER AND DIANE JOHNSON SUBDIVISION IN THE SW 1/4 OF SECTION 33-T125N R60W 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 21 DAY OF May, 2020.



RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT 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 ROGER AND DIANE JOHNSON SUBDIVISION IN THE SW 1/4 OF SECTION 33-T125N R60W 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 ____ DAY OF _____, 20____.

ROGER F. JOHNSON

MATTHEW JOHNSON

TANYA JOHNSON

ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)SS

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MATTHEW JOHNSON AND TANYA JOHNSON, 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.

NOTARY PUBLIC, _____ STATE

ACKNOWLEDGEMENT

MY COMMISSION EXPIRES: _____

STATE OF _____)
COUNTY OF _____)SS

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ROBERT F. JOHNSON, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____ STATE

MY COMMISSION EXPIRES: _____

PLAT OF

A-7696

**ROGER AND DIANE JOHNSON SUBDIVISION
IN THE SW 1/4 OF SECTION 33-T125N-R60W 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 ROGER AND DIANE JOHNSON SUBDIVISION IN THE SW 1/4 OF SECTION 33-T125N R60W 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 ROGER AND DIANE JOHNSON SUBDIVISION IN THE SW 1/4 OF SECTION 33-T125N R60W 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 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

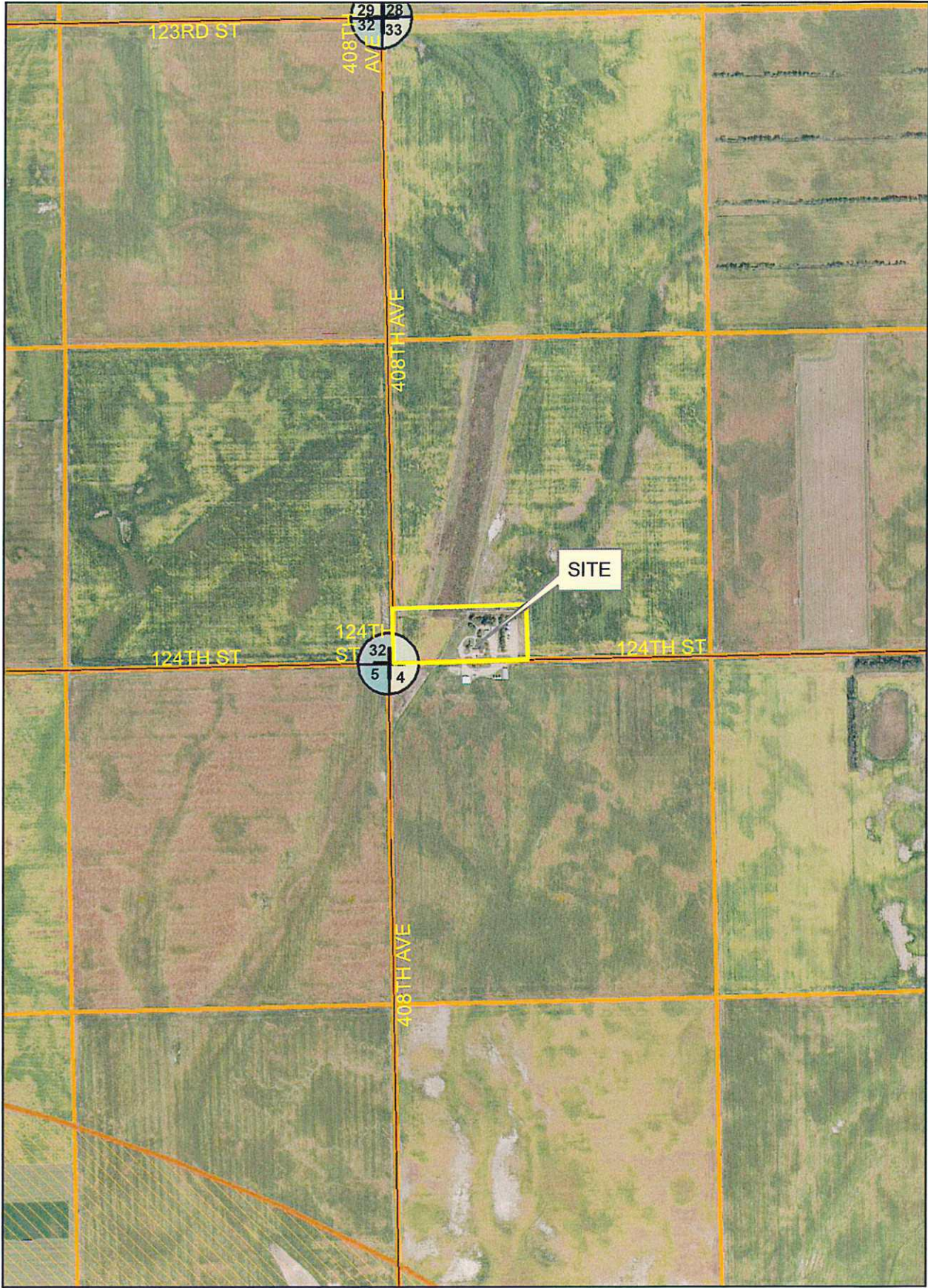
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT ____ O'CLOCK _____, AND DULY RECORDED AS
PLAT NO. _____

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA





STAFF REPORT

August 18, 2020

PRELIMINARY & FINAL PLAT

ITEM # 24

GENERAL INFORMATION:

PETITIONER: Sterling Jones

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: "Tacoma Park Place Addition" in the NE1/4 NW1/4 of Section 23-T124N-R62W of the 5th P.M., Brown County, South Dakota

LOCATION: 39849 127th Street

TOWNSHIP: Cambria Twp

EXISTING ZONING: Agriculture District (AG-P)

SURROUNDING ZONING:

North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: WEB Water

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting this Preliminary and Final plat for conveyance purposes.

GENERAL REVIEW: After review Staff recommends approval

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Tacoma Park Place Addition

QUARTER: NW SECTION: 23 TOWNSHIP: 124 RANGE: 62

LOTS 1, 2, 3 1 TRACTS 1, 2, 3 _____ PARCELS 1, 2, 3 _____ NOTHING SHOWN _____

OWNERS NAMES: Sterling Jones Real Estate Limited Partnership

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: ~~\$25.00~~ ACRES x \$1.00 _____ TOTAL: \$ 100.00 DATE PAID: 08 / 04 /20 20

RECEIVED BY PLANNING DEPARTMENT: 08 / 04 /2020 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE _____ FINANCIAL PURPOSES X BOTH _____

PLAT: ON 11 x 17 MYLAR X ON 11 x 17 PHOTO PAPER _____

STREETS/ROADS NAMED PROPERLY X

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED _____

DIMENSION ALL LINEWORK FOR GIS DEPT. _____ BEARINGS & DISTANCES SHOWN TO "CLOSE" _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE _____

HIGHWAY SIGNATURE LINE SHOWN (STATE, COUNTY, TOWNSHIP) X

HIGHWAY SIGNATURE LINE SIGNED _____

TAXES PAID IN FULL FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED _____

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: August 4, 2020
RECEIPT # 139934
TOWNSHIP: Cambria Twp

FEES: 100.00
PAID: YES NO CHK CASH
DATE: 8/4/2020

OWNERS SIGNATURE: Sterling Jones Real Estate LP
OWNERS ADDRESS: 39595 130th St
OWNERS CITY, STATE, ZIP: Bath, SD 57427
OWNERS PHONE: _____

AGENTS SIGNATURE: Sterling Jones 
AGENTS ADDRESS: 1220 N Lincon St
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401
AGENTS PHONE: 605-380-4455

REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: "Tacoma Park Place Addition" in the NE1/4NW1/4 of
Section 23-T124N-R62W of the 5th P.M.,
Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 18, 2020 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 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



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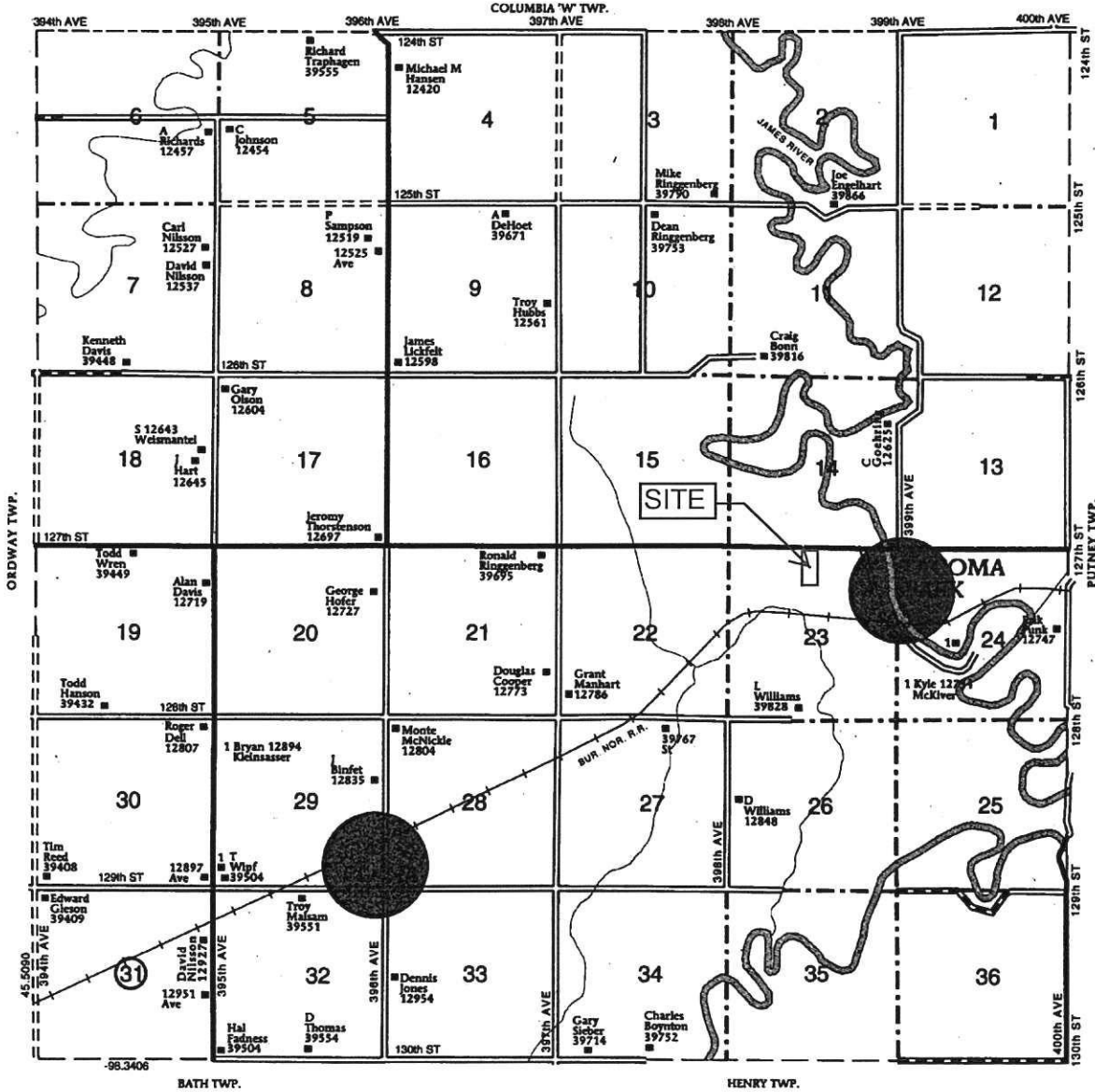
524 River Ave. North
Belmond, IA 50421
800-685-7432

T-124-N

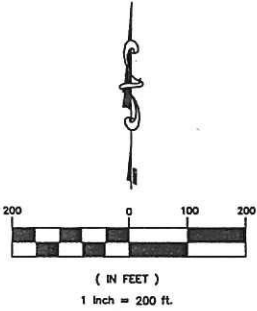
CAMBRIA DIRECTORY

(Residents - Owners or Pastors)

R-62-W



PLAT OF TACOMA PARK PLACE ADDITION, IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-R62W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

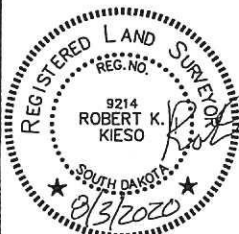
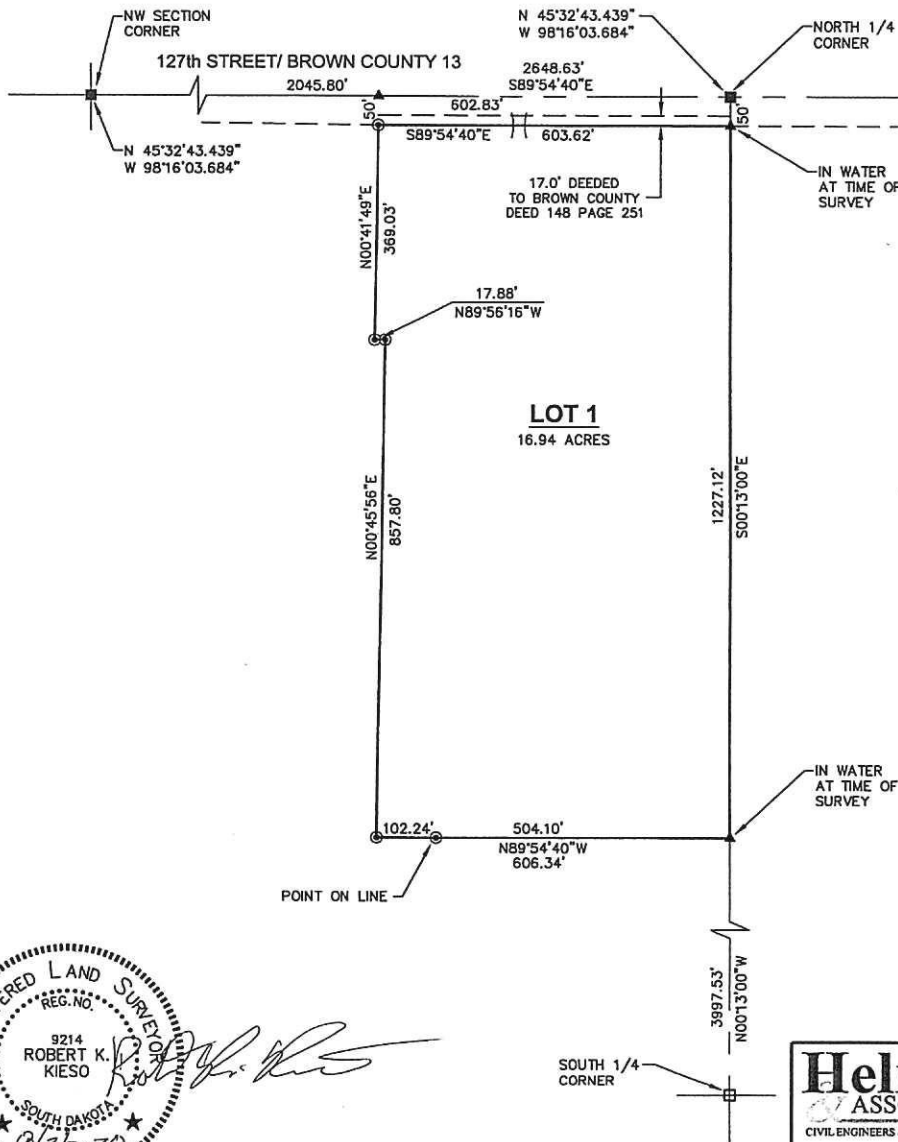


LEGEND

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

BASIS OF BEARINGS

UTM 14 NORTH
DISTANCES ARE GROUND



Helms ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County Highway 19
P.O. Box 11
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

PLAT OF
TACOMA PARK PLACE ADDITION,
IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-R62W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF STERLING JONES REAL ESTATE LIMITED PARTNERSHIP, A SOUTH DAKOTA LIMITED PARTNERSHIP, AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JULY 17, 2020, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: TACOMA PARK PLACE ADDITION, IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-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 2nd DAY OF August, 2020


ROBERT K. KIESO RLS #9214

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: TACOMA PARK PLACE ADDITION, IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-R62W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA; AS SHOWN BY THIS PLAT, AND WE HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID ADDITION 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 ____ DAY OF _____, 20____

PREVIOUSLY DESCRIBED AS:

NW 1/4 OF SECTION 23-T124N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, EXCEPT RAILROAD

STERLING JONES REAL ESTATE LIMITED PARTNERSHIP,
A SOUTH DAKOTA LIMITED PARTNERSHIP

PRINT NAME AND TITLE

SIGNATURE

CORPORATE ACKNOWLEDGEMENT

STATE OF _____)
COUNTY OF _____)SS
ON THIS THE ____ DAY OF _____, 20____ BEFORE ME, _____, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED: STERLING JONES, OF STERLING JONES REAL ESTATE LIMITED PARTNERSHIP, A SOUTH DAKOTA LIMITED PARTNERSHIP, AND THAT HE, AS SUCH AS BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF STERLING JONES REAL ESTATE LIMITED PARTNERSHIP, A SOUTH DAKOTA LIMITED PARTNERSHIP BY HIMSELF AS _____ IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____ 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 ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING TACOMA PARK PLACE ADDITION, IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-R62W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

**PLAT OF
TACOMA PARK PLACE ADDITION,
IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-R62W OF THE 5th P.M.,
BROWN COUNTY, 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 TACOMA PARK PLACE ADDITION, IN THE NE 1/4 NW 1/4 OF SECTION 23-T124N-R62W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

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: _____
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

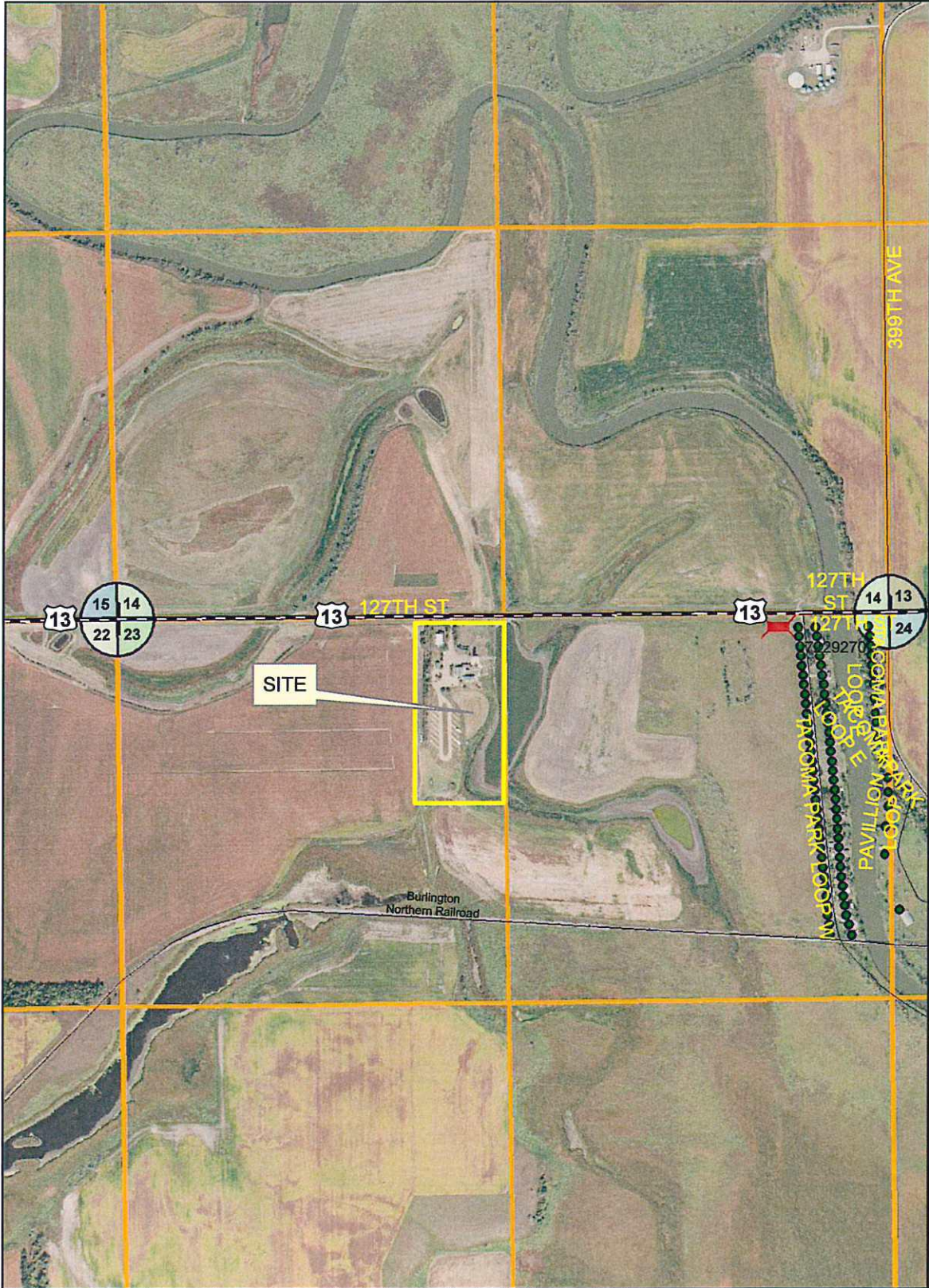
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

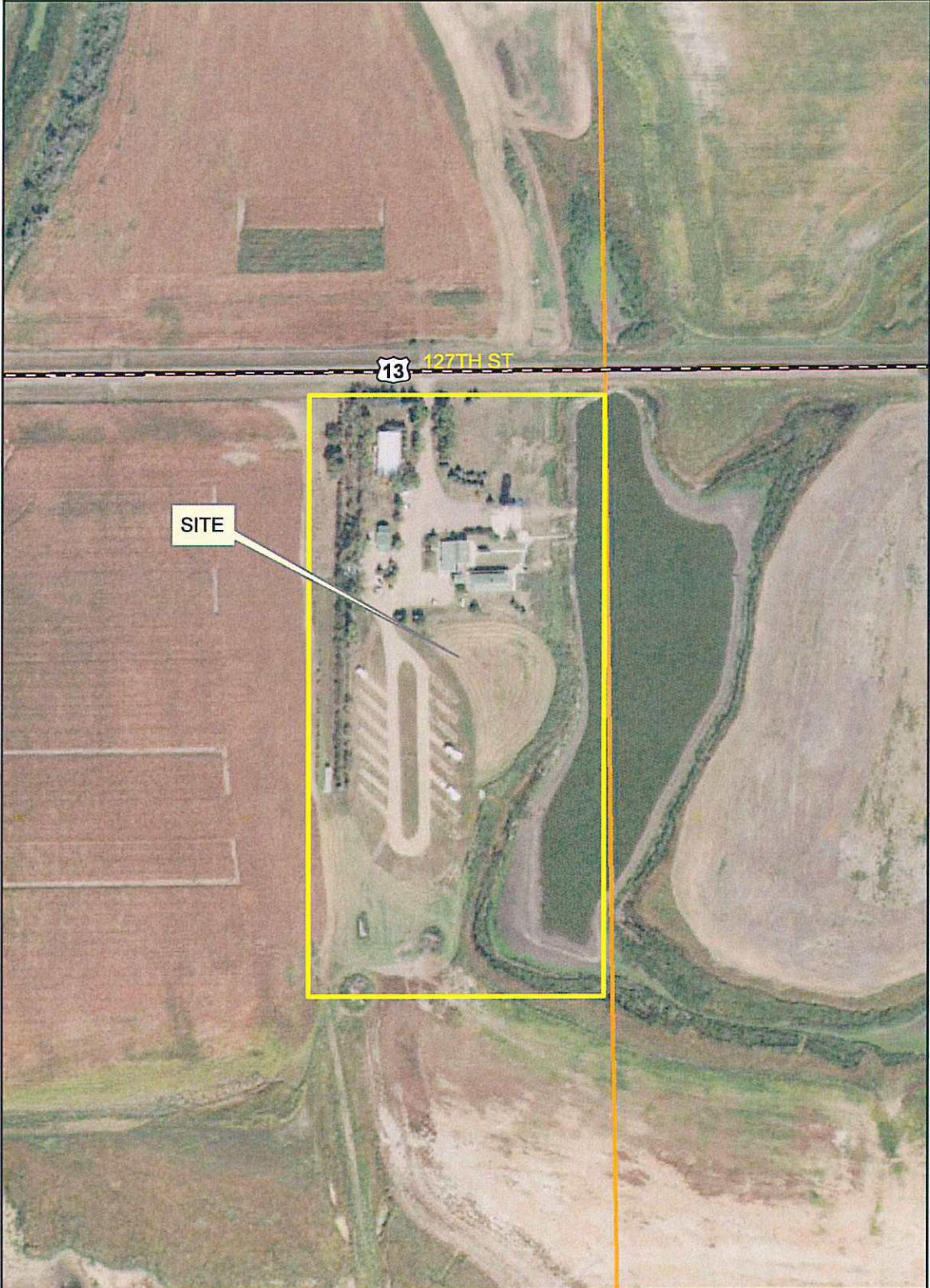
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

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





13

127TH ST

SITE

STAFF REPORT

August 18, 2020

PRELIMINARY & FINAL PLAT

ITEM # 25

GENERAL INFORMATION:

PETITIONER: Gary Guthmiller

REQUEST: **PRELIMINARY & FINAL PLAT**

LEGAL DESCRIPTION: "Modelaire's-Young Addition" in the SE1/4 of Section 36-T123N-R64W of the 5th P.M., Brown County, South Dakota

LOCATION: 4026 & 4114 388th Ave S

TOWNSHIP: Aberdeen Twp

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

SURROUNDING ZONING:

North:	Mini-Agriculture District (M-AG)
South:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)

PUBLIC UTILITIES: WEB Water

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting this Preliminary and Final plat for readjusting property lines to include existing in-place access to Lot 2.

GENERAL REVIEW: After review Staff recommends approval

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME Modelaire's-Young Addition

QUARTER: SE SECTION: 36 TOWNSHIP: 123 RANGE: 64

LOTS 1,2 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

OWNERS NAMES: Aberdeen Area Modelaires (Gary Guthmiller)

OWNERS NAMES: Washington Holdings LLC (Don Young)

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Zachary Remily (Clark Engineering)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: \$100.00 TOTAL: \$ 100.00 DATE PAID: 08 / 03 /2020

RECEIVED BY PLANNING DEPARTMENT: 08 / 03 /2020 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE _____ FINANCIAL PURPOSES _____ OTHER X

PLAT: ON 11 x 17 MYLAR _____ ON 11 x 17 PHOTO PAPER X

STREETS/ROADS NAMED PROPERLY X NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT _____

EXISTING ACCESS SHOWN ON PLAT X ACCESS NEEDED _____

DIMENSION ALL LINEWORK FOR GIS DEPT. X BEARINGS & DISTANCES SHOWN TO "CLOSE" X

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE X

HIGHWAY SIGNATURE LINE SHOWN (STATE, COUNTY, TOWNSHIP) X

HIGHWAY SIGNATURE LINE SIGNED X

TAXES PAID IN FULL FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

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: AUG 3, 2020
RECEIPT # 139931
TOWNSHIP: ABERDEEN TWP

FEES: 100⁰⁰
PAID: YES/NO CHK/CASH
DATE: AUG. 3, 2020

OWNERS SIGNATURE: DON YOUNG SEND A COPY
OWNERS ADDRESS: _____
OWNERS CITY, STATE, ZIP: _____
OWNERS PHONE: _____

AGENTS SIGNATURE: Gary J. Gilmartin SEND A COPY
AGENTS ADDRESS: 402 S. WEBER ST.
AGENTS CITY, STATE, ZIP: ABERDEEN, SD 57401
AGENTS PHONE: 605-380-4287

REQUEST: PRELIMINARY & FINAL PLAT

LEGAL DESCRIPTION: "MODELAIRES - YOUNG ADDITION" IN THE
SE 1/4 OF SECTION 36-T123N-R64W OF THE 5TH PM
BROWN COUNTY, SD

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: AUG 18, 2020 TIME: 7:00 PM

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

25 Market Street • Aberdeen, South Dakota 57401-4203

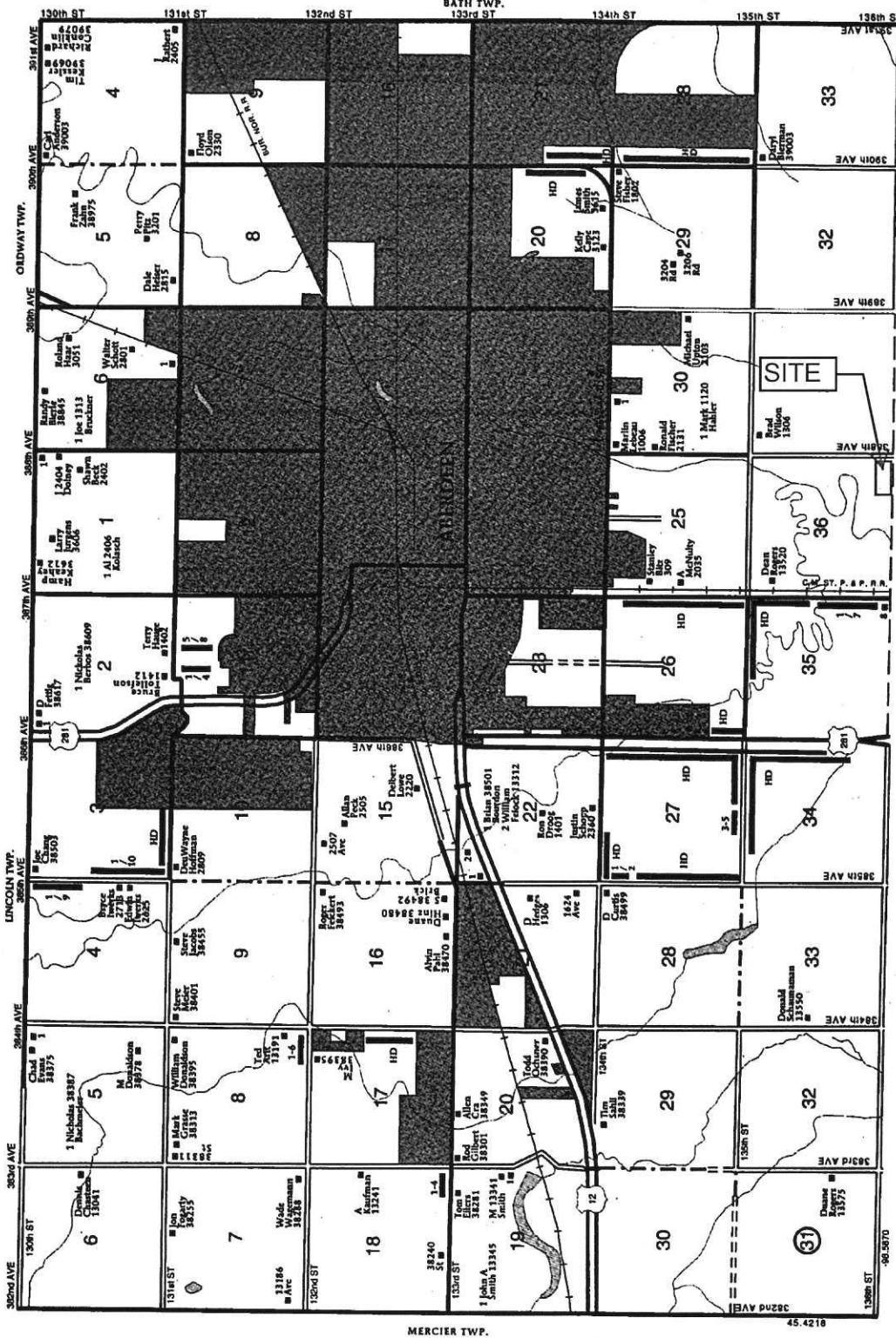
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov

T-123-N

ABERDEEN DIRECTORY

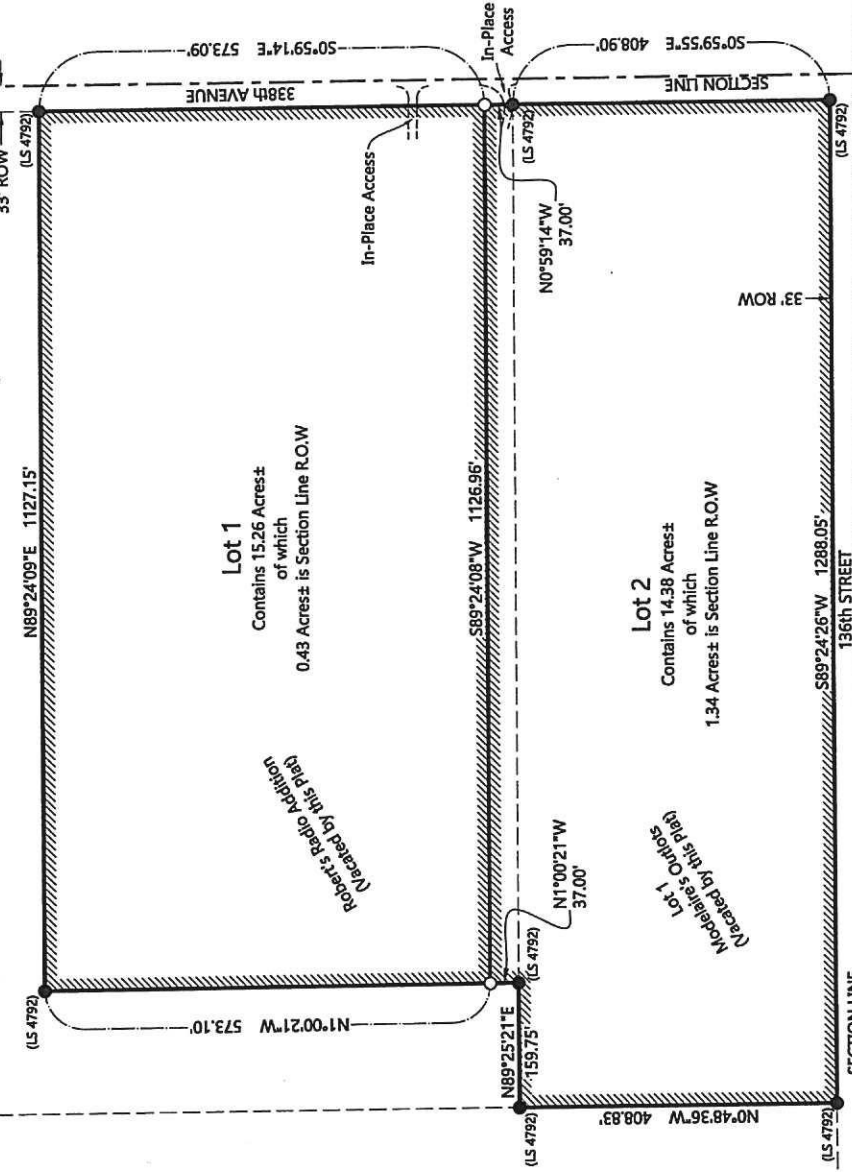
(Residents - Owners or Renters)

R-63-64-W



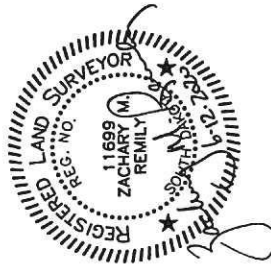
- WARNER TWP.**
- 6 Hilgemann, Bryon 2328
 - 7 Mauritzson, John 2324
 - 8 Volcke, Dennis 2322
- SECTION 18**
- 1 Eichinger, John 38280
 - 2 Dehne, Art 38282
 - 3 Wherry, Lever 38290
 - 4 Dreis, K 38296
- SECTION 27**
- 1 1805
 - 2 Paulsen, William 1823
 - 3 Abert, Arthur 38548
 - 4 Schwan, Christopher 38554
 - 5 Fortrel, Raymond 38556
 - 6 Brate, Brad 13555
- SECTION 35**
- 1 Brate, Brad 13555
- WARNER TWP.**
- 4 Streiler, Steve 38390
 - 5 Bits, Robert 38382
 - 6 Zimmer, Kyle 38396
- SECTION 11**
- 1 Larson, Dan 2329
 - 2 Kokales, Joe 2327
 - 3 Lipp, Leon 2325
 - 4 Comrade, D 2323
 - 5 Reizer, Robert 2330
- SECTION 16**
- 1 Fisher, Paul 3125
 - 7 Reizert, Fred 3105
 - 8 Newman, Marty 3021
 - 9 Hutzenga, Arnold 2815
- SECTION 17**
- 1 Brzezinski, Thomas 38374
 - 2 Felckart, David 38382
 - 3 Darling, Roger 38388
- SECTION 19**
- 8 2504
 - 9 Bossert, Curt 2422
 - 10 Bolwert, Donald 2402
- SECTION 20**
- 1 Blabe, Bruce 3229
 - 2 Moser, Kevin 3221
 - 3 VanderHoek, Corey 3213
 - 4 Goshring, Lane 3205
 - 5 Dylaama, Cisy 3133
- SECTION 21**
- 1 3504
 - 2 Thrash, Peter 13551
 - 3 Swanson, Erlan 13569
 - 4 Boeddicker, William 13573
 - 5 Robinson, Randall 13575
 - 6 Rahm, Marlon 13579
 - 7 Schroh, Joseph 13593
 - 8 Fredrickson, Dale 36692
- SECTION 22**
- 1 12404
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- SECTION 23**
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- SECTION 24**
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- SECTION 25**
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- SECTION 26**
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- SECTION 27**
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- SECTION 28**
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- SECTION 29**
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- SECTION 30**
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- SECTION 31**
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- SECTION 32**
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- SECTION 33**
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- SECTION 34**
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- SECTION 35**
- 1 12404
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 - 7 12404
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- SECTION 36**
- 1 12404
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PLAT SHOWING
MODELAIRE'S-YOUNG ADDITION
 IN THE SE 1/4 OF SECTION 36,
 TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA



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

BASIS OF BEARINGS
 State Plane Grid
 South Dakota North Zone (40001)
 NAD '83 (2011) US Survey Feet
 Distances are GROUND
 Coordinates are GRID



PREPARED BY:

CLARK
 ENGINEERING

now **IMEG**
 3314 Milwaukee Ave NE, Suite 2
 Aberdeen, SD 57401
 Phone: (605) 225-3494
 Fax: (605) 225-5433
 EOE

PLAT SHOWING
MODELAIRE'S-YOUNG ADDITION
 IN THE SE1/4SE1/4 OF SECTION 36,
 TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M.
 BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

Aberdeen Area Modelaires, does hereby certify that it is the owner of Lot 1, Modelaire's Outlots in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Thirty-Six (36), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that it has caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "MODELAIRE'S-YOUNG ADDITION IN THE SE1/4SE1/4 OF SECTION 36, 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, the Aberdeen Area Modelaires, does hereby VACATE "Lot 1, Modelaire's Outlots in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Thirty-Six (36), 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 December 9, 1997 at 4:20 p.m., and duly recorded in Book No. 16 of Plats, on Page No. 1172-E.

Owner: Aberdeen Area Modelaires

GARY GUTHMILLER, Sec/Treasurer
 Print Name and Title

[Signature]
 Signature

Signed this 28 day of July, 2020.

COUNTY OF Brown)
 STATE OF South Dakota) SS

On this 28 day of July, 2020, before me, a notary public, the undersigned officer, personally appeared Gary Guthmiller, who acknowledge himself/herself to be the Sec/Treasurer, of Aberdeen Area Modelaires, and that he/she as such Sec/Treasurer being authorized to do so, executed the forgoing instrument for the proposed therein contained, by signing the name of the Aberdeen Area Modelaires by himself/herself as Sec/Treasurer.

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

My Commission Expires: March 17, 2023
[Signature]
 Notary Public



OWNER'S CERTIFICATE

Washington Holdings, LLC, a South Dakota limited liability company, does hereby certify that it is the owner of Robert's Radio Addition in the Southeast Quarter (SE1/4) of Section Thirty-Six (36), Township One Hundred Twenty-Three (123) North, Range Sixty-Four (64) West of the 5th P.M., Brown County, South Dakota, and that it has caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "MODELAIRE'S-YOUNG ADDITION IN THE SE1/4SE1/4 OF SECTION 36, 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, Washington Holdings, LLC, a South Dakota limited liability company, does hereby VACATE "Robert's Radio Addition in the Southeast Quarter (SE1/4) of Section Thirty-Six (36), 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 December 1, 2000 at 1:50 p.m., and duly recorded in Book No. 1537H of Plats.

Owner: Washington Holdings, LLC

Donald Young Member
 Print Name and Title

[Signature]
 Signature

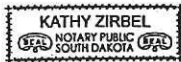
Signed this 28 day of July, 2020.

COUNTY OF Brown)
 STATE OF South Dakota) SS

On this 28 day of July, 2020, before me, a notary public, the undersigned officer, personally appeared Donald Young, who acknowledge himself/herself to be the Member, of Washington Holdings, LLC, a South Dakota limited liability company, and that he/she as such Member, being authorized to do so, executed the forgoing instrument for the proposed therein contained, by signing the name of the limited liability company by himself/herself as Member.

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

My Commission Expires: March 17, 2023
[Signature]
 Notary Public



PREPARED BY:

CLARK
 ENGINEERING

now **IMEG**

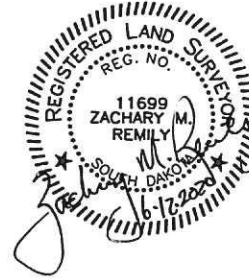
3314 Milwaukee Ave NE, Suite 2
 Aberdeen, SD 57401
 Phone: (605) 225-3494
 Fax: (605) 225-5433 EOE

PLAT SHOWING
MODELAIRE'S-YOUNG ADDITION
IN THE SE1/4SE1/4 OF SECTION 36,
TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5th P.M.
BROWN COUNTY, SOUTH DAKOTA

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 "MODELAIRE'S-YOUNG ADDITION IN THE SE1/4SE1/4 OF SECTION 36, 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.

Signed this 12th day of JUNE, 2020.



HIGHWAY APPROVAL

"Access to 338th AVENUE is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02."

Signed this 29 day of JULY, 2020.

David Fickert
Highway or Street Authority

COUNTY PLANNING COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2020.

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 "MODELAIRE'S-YOUNG ADDITION IN THE SE1/4SE1/4 OF SECTION 36, 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, at a meeting held on the _____ day of _____, 2020.

County Auditor
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "MODELAIRE'S-YOUNG ADDITION IN THE SE1/4SE1/4 OF SECTION 36, 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 _____, 2020.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this _____ day of _____, 2020.

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 2020, at _____ O'clock _____ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds
Brown County, South Dakota

PREPARED BY:

CLARK
ENGINEERING

now **IMEG**

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Aberdeen, SD 57401
Phone: (605) 225-3494
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