

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY JULY 19, 2022 - 7:00 P.M.

BROWN COUNTY COURTHOUSE in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** The **Brown County Planning/Zoning Commission** meeting was called to order by Stan Beckler-Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were David North-Vice Chairman, Darwin Bettmann, Dale Kurth, Patrick Keatts, James Meyers, County Commissioner Michael Gage, serving on this Board, Deputy States Attorney Ross Aldentaler and Stan Beckler- Chairman. Planning Technician Ron Keller and Planning Director Scott Bader were present from the Planning/Zoning Department.
- III. **Meeting:** This monthly meeting was conducted in the basement west Community Room.
- IV. **Minutes:** After discussion about previous months Minutes, Keatts moved and Kurth seconded to approve the Minutes for the June 21, 2022, Planning/Zoning Commission meeting. All members voted aye; the motion carried.
- V. **Old Business:**
 1. **Sign-up Sheet:** at door entrance on the table for anyone to speak on an Agenda Item.
 2. **Permits:** Anyone present that has submitted a Variance Request or Conditional Use Petition is still required to get their required PERMITS from the Zoning Office before starting their project if their request gets approved.
- VI. **New Business: Planning/Zoning Commission as Zoning Board of Adjustment (BOA)**
 1. **Variance Petition for Approach Separation** in an Agriculture Preservation District (AG-P) described as the NE $\frac{1}{4}$ of Section 6-T123N-R63W east side of railroad grade and Lot 2, "Haar's Addition" in the SE $\frac{1}{4}$ of Section 6-T123N-R63W, both of the 5th P.M., Brown County, South Dakota (3135 North Roosevelt Street & 4839 North Roosevelt Street, Aberdeen Twp.). Submitted by Rory Haar. In attendance for this item was Rory Haar. Following discussion on FoF, Meyers moved, and North seconded to **approve the finding of facts** as presented. Also following discussion Meyers moved, and North seconded to **approve the Variance to Approach Separation** to be 440' north from the existing approach at residence 2955 N Roosevelt Street for two proposed platted lots, all members voting aye, motion carried.
 2. **Variance Petition for Building Setbacks** in a Lake Front Residential District (R-3) described as Lot 1, "Berry-Davis Addition" in the NE $\frac{1}{4}$ of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (379684 South Shore Drive, Aberdeen, SD 57401; Ravinia Twp.). Submitted by Patricia Mehlhaff. In attendance for this item was Pete Mehlhaff and John Kokales. Following discussion on FoF Gage moved, and Keatts seconded to **approve the finding of facts** as presented. Also following discussion Gage moved, and Keatts seconded to

approve the Variance to Setbacks to have a Front Yard Setback of 12' measured from the *high-water mark* rather than 50' required in an R-3 District of the Br Co Ordinance. (The "*High Water Mark*" is a 12' easement that is out from the lakeside property line markers as per plats and ordinance), all members voting aye, motion carried.

3. **Conditional Use Petition** in a Highway Commercial District (HC) described as Lot 1, "Budget Furniture-Schumaker Subdivision" in the NW¼ of Section 22-T123N-R63W, of the 5th P.M., Brown County, South Dakota (5350 E Highway 12, Aberdeen, SD, 57401; Bath Twp.). Submitted by Jamie Lickfelt. In attendance for this item was Jamie Lickfelt. Following discussion on FoF, North moved, and Kurth seconded to **approve the finding of facts** as presented. Also following discussion North moved, and Kurth seconded to **approve the Conditional Use Petition** for temporary sale of fireworks in a temporary tent on a leased site for both the 2022 & 2023 seasons, all members voting aye, motion carried.
4. **Variance Petition for Building Setbacks** in an R-3 District described as Lot 43-44, "Hoffman's Third Richmond Lake Subdivision" in the E½ of Section 14-T124N-R65W of the 5th P.M., Brown County, South Dakota (126546 West Shore Drive, Aberdeen, SD, 57401; Ravinia Twp.). Submitted by Terry & Susan Beckler. In attendance for this item was Susan Beckler. Following discussion on FoF, Kurth moved, and Meyers seconded to **approve the finding of facts** as presented. Also following discussion Kurth moved, and Meyers seconded to **approve the Variance to Setbacks** to have a Rear Yard Setback of 8' rather than 30' required in R-3 District for a garage addition, all members voting aye, motion carried.
5. **Variance Petition for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 2, "Wiek-Kempf Addition" in the SE¼ of Section 8-T128N-R65W, of the 5th P.M., Brown County, South Dakota (10173 West Elm Lake Drive, Forbes, ND 58439; Palmyra Twp.). Submitted by Karen Kempf. Following discussion on FoF, North moved, and Bettmann seconded to **approve the finding of facts** as presented. Also following discussion that this parcel is contiguous to the SW1/4 which is also owned by Karen Kempf, North moved, and Bettmann seconded to **approve the Variance to Lot Size** to allow Lot 2 to be 28.82 acres rather than the minimum of 40.0 acres required in AG-P District of Brown County Ordinances, all members voting aye, motion carried.
6. **Variance Petition for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "Moccasin Creek Substation Second Addition" in the NE¼ of Section 27-T124N-R64W of the 5th P.M., Brown County, South Dakota (38593 128th Street, Aberdeen, SD, 57401; Lincoln Twp.). Submitted by East River Electric. Following discussion on FoF, Kurth moved, and Keatts seconded to **approve the finding of facts** as presented. Also following discussion Kurth moved, and Keatts seconded to **approve the Variance for Lot Size** to allow Lot 1 to be 7.00 acres rather than the minimum of 40.0 acres required in AG-P District of Brown County Ordinances, all members voting aye, motion carried.

VII. Other Business: None

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

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- I. **Old Business:** Amendment Discussion to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 for Administrative Rules and Enforcement are still Tabled until further notice, by the States Attorney Office.
- II. **New Business:** Planning Commission
 10. **Rezoning Petition** from Agriculture Preservation District (AG-P) to Lake Front Residential District (R-3) for a property described as Lot 1, "Berry-Davis Addition" in the NE¼ of Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota (379684 South Shore Drive, Aberdeen, SD, 57401; Ravinia Twp.). Submitted by Patricia Mehlhaff. In attendance for this item was Pete Mehlhaff and John Kokales. Following discussion, Gage moved, North seconded to **recommend approval to rezone this parcel** to the Board of County Commissioners, all members voting aye, motion carried.
 11. **Rezoning Petition** from Agriculture Preservation (AG-P) to Lake Front Residential District (R-3) for a property described as proposed Lot 1 "Wiek-Kempf Addition" in the SE¼ of Section 8-T128N-R65W of the 5th P.M., Brown County, South Dakota (10191 West Elm Lake Drive, Forbes, ND 58439; Palmyra Twp.). Submitted by Karen Kempf. Following discussion, Kurth moved, Meyers seconded to **recommend approval to rezone this parcel** to the Board of County Commissioners, all members voting aye, motion carried.
 12. **Rezoning Petition** from Agriculture Preservation (AG-P) to Mini-Agriculture District (M-AG) for a property described as proposed Lot 1, "Alberts-Anderson Addition" in the NW¼ of Section 10-T124N-R61W of the 5th P.M., Brown County, South Dakota (12548 403rd Avenue, Groton, SD 57445; Putney, Twp.). Submitted by Diane Heimann. Following discussion, North moved, Bettmann seconded to **recommend approval to rezone this parcel** to the Board of County Commissioners, all members voting aye, motion carried.
 13. **Final Plat** for a property described as "Bauer's Fourth Addition" in the S½ of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37324 & 37328 132nd Street, 37332 & 37336 Ebby Lane, Aberdeen, SD, 57401; Mercier Twp). Submitted by Nolan Ulmer. In attendance for this item was Nolan Ulmer. Following discussion, Meyers moved, North seconded the motion to **recommend approval of this Final Plat** including the Restrictive Conveyance to the Board of Brown County Commissioners with a stipulation that the road be installed to Brown County Highway Department standards, all members voting aye, motion carried.
 14. **Preliminary & Final Plat** for a property described as "Chris & Wendy Mehlhaff First Subdivision" in the SW¼ of Section 19-T125N-R63W of the 5th P.M., Brown County, South

Dakota (38818 122nd Street, Westport, SD 57481; Westport Twp). Submitted by Chris & Wendy Mehlhaff. Following discussion, North moved, Gage seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

15. **Preliminary & Final Plat** for a property described as “Alberts-Anderson Addition” in the NW¼ of Section 10-T124N-R61W of the 5th P.M., Brown County, South Dakota (12548 403rd Avenue, Groton, SD 57445; Putney Twp). Submitted by Diane Hiemann. Following discussion, Kurth moved, Keatts seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
16. **Preliminary & Final Plat** for a property described as “Creekside Addition” in the NW¼ of Section 17-T131N-R63W of the 5th P.M, Brown County, South Dakota (Approx. 578 N Roosevelt Street, Aberdeen, SD, 57401; Aberdeen Twp.). Submitted by Stacy Gossman. In attendance for this item was Stacy Gossman. Following discussion, Gage moved, Kurth seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
17. **Preliminary & Final Plat** for a property described as “Wiek-Kempf Addition” in the SE¼ of Section 8-T128N-R65W of the 5th P.M., Brown County, South Dakota (10183 West Elm Lake Drive, Forbes, ND 58439; Palmyra Twp). Submitted by Karen Kempf. Following discussion, North moved, Bettmann seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
18. **Preliminary & Final Plat** for a property described as “Moccasin Creek Substation Second Addition” in the NE¼ of Section 27-T124N-R64W of the 5th P.M., Brown County, South Dakota (38593 128th Street, Aberdeen, SD, 57401; Lincoln Twp). Submitted by East River Electric. Following discussion, Meyers moved, Keatts seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

III. **Other Business:** none

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

Submitted by: Planning Technician Ron Keller and Planning Director Scott Bader.