

# MINUTES

## REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, FEBRUARY 15, 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, Josie Gorecki-Alternate, County Commissioner Michael Gage, serving on this Board, Deputy States Attorney Ross Aldentaler and Stan Beckler- Chairman. Also present for the meeting was Planning/Zoning Director Scott Bader and Planning Technician Chris Anderson from the Planning/Zoning Office. Josie Gorecki-Alternate Planning/Zoning Commissioner was invited to sit in on this meeting with proposed administrative ordinance amendments as an agenda item.
- III. **Meeting:** This meeting was conducted in the basement Community Room using recommended social distancing protocol for spacing chairs in the audience area, and Board Member table & chairs as much as possible based on number of agenda items and expected number of people.
- IV. **Minutes:** After discussion about previous months Minutes, North moved and Keatts seconded to approve the January 18, 2022, Minutes for the Zoning Board of Adjustment (BOA) and Planning Commission monthly meetings. All members voted aye; the motion carried.
- V. **Old Business:**
  1. **Sign-up Sheet:** at the door entrance on a table for anyone wants to speak on Agenda Item.
  2. **Permits:** Anyone present that has submitted a Variance Request or Conditional Use Petition to the Zoning Board of Adjustment (BOA) *IS STILL REQUIRED* to get their required PERMITS from the Zoning Office before starting their project if their request gets approved tonight.
- VI. **New Business: Planning/Zoning Commission as Zoning Board of Adjustment (BOA)**
  1. **Variance request for 2 residences** on one (1) parcel in an Agriculture Preservation District (AG-P) described as “NW1/4 of Section 28-T128N-R64W of the 5th P.M., Brown County, South Dakota (38407 & 38405 104<sup>th</sup> St Frederick, SD 57441; Osceola Twp). Submitted by Tom Gunther. Present for this item was Tom and Casey Gunther. 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 two (2) residences on one parcel** in an Agriculture Preservation District (AG-P), for a 159.5± acre parcel, all members voting aye, motion carried.

2. **Variance request for Building Setbacks** in an Agriculture Preservation District (AG-P) described as NW1/4 of Section 28T128N-R64W of the 5th P.M., Brown County, South Dakota (38407 & 38405 104<sup>th</sup> St Frederick, SD 57441; Osceola Twp). Submitted by Tom Gunther. Present for this item was Tom and Casey Gunther. Following discussion on FoF, North moved, and Bettmann seconded to **approve the finding of facts** as presented. Also following discussion North moved with a stipulation that the Gunther’s talk with their Osceola Township Supervisor’s about vacating the statutory section line right-of-way and then submit a petition to them requesting to vacate the statutory section line right-of-way if Osceola Township is interested. The request would be between the NW1/4 of Section 28T128N-R64W and the NE1/4 of Section 29T128N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota, and Bettmann seconded to **approve the variance for building setbacks** along with the stipulation in an Agriculture Preservation District (AG-P) to be 20’ from the west rather than 100’ required, all members voting aye, motion carried.
  
3. **Conditional Use Petition (CUP)** for temporary fireworks stand – 2022-2023 season in a Highway Commercial District (HC) described as “Judy Outlot 2” in the NW1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5110 East Highway 12; Aberdeen Twp). Submitted by Dan Bunjier for Ka Boomers Fireworks. Dan Bunjier was not in attendance for this item. Following discussion on FoF, Keatts moved, and Gage seconded to **approve the finding of facts** as presented. Also following discussion Keatts moved, and Gage seconded to **approve the conditional use petition** in a Highway Commercial District (HC) for temporary fireworks stand on leased property for both the 2022 and 2023 seasons, all members voting aye, motion carried.

VII. Other Business: None

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

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I. **Old Business:** *None*

II. **New Business:** *Planning Commission*

10. **Rezone Parcel** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for a property described as Spanier Outlot A in "Spanier Outlot A" in the NW1/4 of Section 25-T123N-R60W of the 5<sup>th</sup> P.M., Brown County, South Dakota (41125 134<sup>th</sup> Street; Groton Twp). Submitted by Roger Spanier. Following discussion, Kurth moved, North seconded to **recommend approval of the rezone** of this 10.46± acres to the Board of County Commissioners, all members voting aye, motion carried.
11. **Rezone Parcels** from Agriculture Preservation District (AG-P) to Highway Commercial (HC) for properties described as proposed Outlot 1 & Outlot 2, "B & B Outlots" in the NE1/4 of Section 23-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39265 & 39285 133<sup>rd</sup> Street; Bath Twp). Submitted by Neil Bellikka. Following discussion, Keatts moved, Meyers seconded to **recommend approval of the rezone** for OL 1 = 29.05± acres and OL 2 = 29.05± acres to the Board of County Commissioners, all members voting aye, motion carried.
12. **Preliminary & Final Plat** for a property described as "S and R Rozell Addition" in the NE1/4 of Section 1-T121N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (14201 & 14205 382<sup>nd</sup> Avenue; New Hope Twp). Submitted by Scott Rozell. Discussion was noting that these platted parcels are necessary for Scott Rozell by the lending institute that will be financing Rozell's new house. The lending institute does not want the grain bins and grain storage on the same parcel as the house because the grain storage is committed to a separate farming program. This leaves the Lot 2 with the grain bins as a non-conforming M-AG District parcel since there will not be a house on the lot as the Permitted Principal Use. Following all discussions North moved, and Kurth seconded to **recommend approval of this plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
13. **Preliminary & Final Plat** for a property described as "B & B Outlots" in the NE1/4 of Section 23-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39265 & 39285 133<sup>rd</sup> Street; Bath Twp). Submitted by Neil Bellikka. Stan Beckler removed himself from discussion and voting on this item since he is an adjacent landowner. Vice Chairman David North presented this item. Meyers started a discussion that it appears the land to the south will need access once these parcels are platted. He recommended that the new landowner of the three (3) parcels on the plat (Neil Bellikka) should provide materials and build a new access approach for the land to the south of these parcels because they are going to be losing their access. A new approach would meet the 500' separation rule should the Bath Township approve this

location for a new access approach to be installed. Meyers moved with the stipulation that the current owner of the platted parcels provide a new approach access for the landowner to the south, providing that Bath Township approves the location, Keatts seconded the motion with stipulation to ***recommend approval of this plat*** to the Board of Brown County Commissioners, all members voting aye with Beckler abstaining from vote, motion carried.

14. **Amendment Discussion to Brown County Title 4 Ordinance** in Chapter 4.01 Definitions, Chapter 4.06 Agriculture Preservation District (AG-P); Chapter 4.07 Mini Agriculture District (M-AG); 4.15 Light Industrial District (LI); 4.16 Heavy Industrial District (HI); Chapters 4.22 thru 4.29 Administrative portions and Office Handouts. Following discussion, North moved, Keatts seconded to ***recommend approval of the ordinance amendments for 4.01, 4.06, 4.07, 4.15, 4.16*** to the Board of Brown County Commissioners, all members voting aye, motion carried. Noting: Chapters 4.22 thru 4.29 and the Office Handouts are recommended to be tabled to next month's Planning Commission meeting by Ross Aldentaler for the States Attorney Office to have more review time on the Findings of Facts (FoF) for variances and conditional uses from the ordinances and the state codified laws.

### III. **Other Business:**

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: Scott Bader & Chris Anderson - Planning & Zoning Department.