

AGENDA

REGULAR SCHEDULED MEETINGS

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, MARCH 15, 2022 – 7:00 PM

BROWN COUNTY COURTHOUSE ANNEX in the BSMNT COMMUNITY ROOM

- I. **Call to Order:** for Brown County Planning/Zoning Commission
- II. **Roll Call:** David North - Vice Chair, Darwin Bettmann, Dale Kurth, Patrick Keatts, James Meyers, Brown County Commissioner Mike Gage and Chairman Stan Beckler. Also in attendance for today's meeting are Ron Keller – Planning/Zoning Technician and Chris Anderson - Planning/Zoning Technician. Scott Bader – Planning/Zoning Director *may be absent for this meeting.*
- III. **Minutes:** February 15, 2022, Motion: 1st _____ 2nd _____
- IV. **Old Business:**
 1. **Sign-up sheet:** On the table by the door entrance, and you can clearly mark YES or NO if you want to speak to the Board on any Agenda Item.
 2. **Permits:** Anyone present for a *Variance Request or Conditional Use Petition* to the Zoning Board of Adjustment (BOA) is still required to get a Building Permit, Zoning Permit, Floodplain Permit (FPDP), or Use Permit, from the Zoning Office before starting their project if their request is approved. Penalties may be assessed when starting their project without proper permits in-place.
- V. **New Business:** *Brown County Planning/Zoning Commission as Zoning Board of Adjustment (BOA).*
 1. **Variance Petition for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lots 1&2, "A Mitchell Addition", in the SE1/4 of Section 7-T121N-R65W of the 5th P.M., Brown County, South Dakota (37356 & 37380 144th Street, Mansfield, SD 57460; New Hope Twp).
 2. **Conditional Use Petition (CUP)** in a Heavy Industrial District (HI) described as Lot 1, "Browning First Addition" in the NW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (717 South 385th Ave, Aberdeen, SD 57401; Aberdeen Twp).
 3. **Conditional Use Petition (CUP)** in Heavy Industrial District (HI) described as Lot 5, "D&S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4302 Schipke Lane, Aberdeen, SD 57401; Aberdeen Twp).
 4. **Variance to Building Setbacks** in Heavy Industrial District (HI) described as Lot 5, "D&S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4302 Schipke Lane, Aberdeen, SD 57401; Aberdeen Twp).
 5. **Variance Petition for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "Jeff Howard First Addition" in the SW1/4 of Section 32-T124N-R60W of the 5th P.M., Brown County, South Dakota (12982 407th Avenue, Groton, SD 57445; Riverside Twp).

REGULAR SCHEDULED MEETING

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, MARCH 15, 2022 – 7:00 PM

BROWN COUNTY COURTHOUSE ANNEX in the BSMNT COMMUNITY ROOM

I. Old Business:

1. **Amendment Discussion to Brown County Ordinance Title 4** for Chapters 4.22 through Chapter 4.29 for Administrative Rules and Enforcement are Tabled to April 19, 2022, monthly meeting at the request of the States Attorney Office.

II. New Business: *Brown County Planning/Zoning Commission as Planning Commission*

10. **Rezone Parcel** from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for a property described as Lot 3, "Feickert's Second Subdivision" in the SE1/4 of Section 20-T124N-R64W of the 5th P.M., Brown County, South Dakota (12769 384th Avenue, Aberdeen, SD 57401; Lincoln Twp.).
11. **Preliminary & Final Plat** for a property described as "A Mitchell Addition" in the SE1/4 of Section 7-T121N-R65W of the 5th P.M., Brown County, South Dakota (37356 & 37380 144th Street, Mansfield, SD; New Hope Twp).
12. **Preliminary & Final Plat** for a property described as "Jeff Howard First Addition" in the SW1/4 of Section 32-T124N-R60W of the 5th P.M., Brown County, South Dakota (12982 407th Avenue; Groton, SD 57445; Riverside Twp).
13. **Preliminary Plat** for a property described as "Bauer-Edwards First Addition" in the SW1/4 of Section 10-T124N-R65W of the 5th P.M., Brown County, South Dakota (37748 132nd Street; Aberdeen, SD 57401; Mercier Twp).

III. Other Business:

IV. Motion to Adjourn: 1st _____ 2nd _____

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 104th 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 104th 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 5th 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

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

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. **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 5th P.M., Brown County, South Dakota (41125 134th 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 5th P.M., Brown County, South Dakota (39265 & 39285 133rd 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 5th P.M., Brown County, South Dakota (14201 & 14205 382nd 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 5th P.M., Brown County, South Dakota (39265 & 39285 133rd 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.

STAFF REPORT

March 15, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO LOT SIZE

ITEM # 01

GENERAL INFORMATION:

PETITIONER: Larry and Sharon M. Stroschein Family LP

REQUEST: **VARIANCE TO LOT SIZE IN
AG-P DISTRICT**

LEGAL DESCRIPTION: Proposed Lots 1&2, "A Mitchell Addition", in the SE1/4 of Section 7-T121N-R65W of the 5th P.M., Brown County, South Dakota

TOWNSHIP: New Hope Twp

LOCATION: 37356 & 37380 144th Street, Mansfield, SD

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 to Lot Size for Lot 1 to be 10.00± acres and Lot 2 to be 30.07± acres rather than a minimum 40.0 acres to stay zoned as AG-P District.

REVIEW: Staff has reviewed this request and recommends approval per Brown County Ordinances Chapter 4.0605 for members of the farm unit.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: January 31, 2022
RECEIPT # 620611
TOWNSHIP: New Hope

FEES: 125.⁰⁰
PAID: YES/NO CHK/CASH
DATE: 1/31/2022

OWNERS SIGNATURE: Larry & Sharon M. Stroschein
OWNERS ADDRESS: 37302 143rd Street
OWNERS CITY, STATE, ZIP: Mansfield SD 57460
OWNERS PHONE: 605-225-6115 (H) 605-228-2484 (Larry-cell)

Larry Stroschein
Sharon M. Stroschein

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

REQUEST: Variance to Lot Size to allow a parcel (10.00 acres) to be smaller than 40.0 acres and stay zoned as AG-P District per Chapter 4.0605 of Zoning Ordinances.

LEGAL DESCRIPTION: Proposed Lot 1, "A Mitchell Addition", in the SE1/4 of Section 7, T121N-R65W, of the 5th P.M., Brown County, South Dakota.

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: March 15, 2022 **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

Storing Perishable Foods

Follow these guidelines for storing perishable foods in the refrigerator or freezer.

- Raw meat and poultry should be wrapped securely so juices do not leak and contaminate other foods or surfaces. It's best to leave meat and poultry in the store wrapping unless the wrap is torn. Use plastic bags over commercial packaging. Store on bottom shelf to prevent dripping.
- Eggs should be stored in their carton in the refrigerator, not in the door.
- Arrange items in the refrigerator or freezer to allow air to circulate freely.

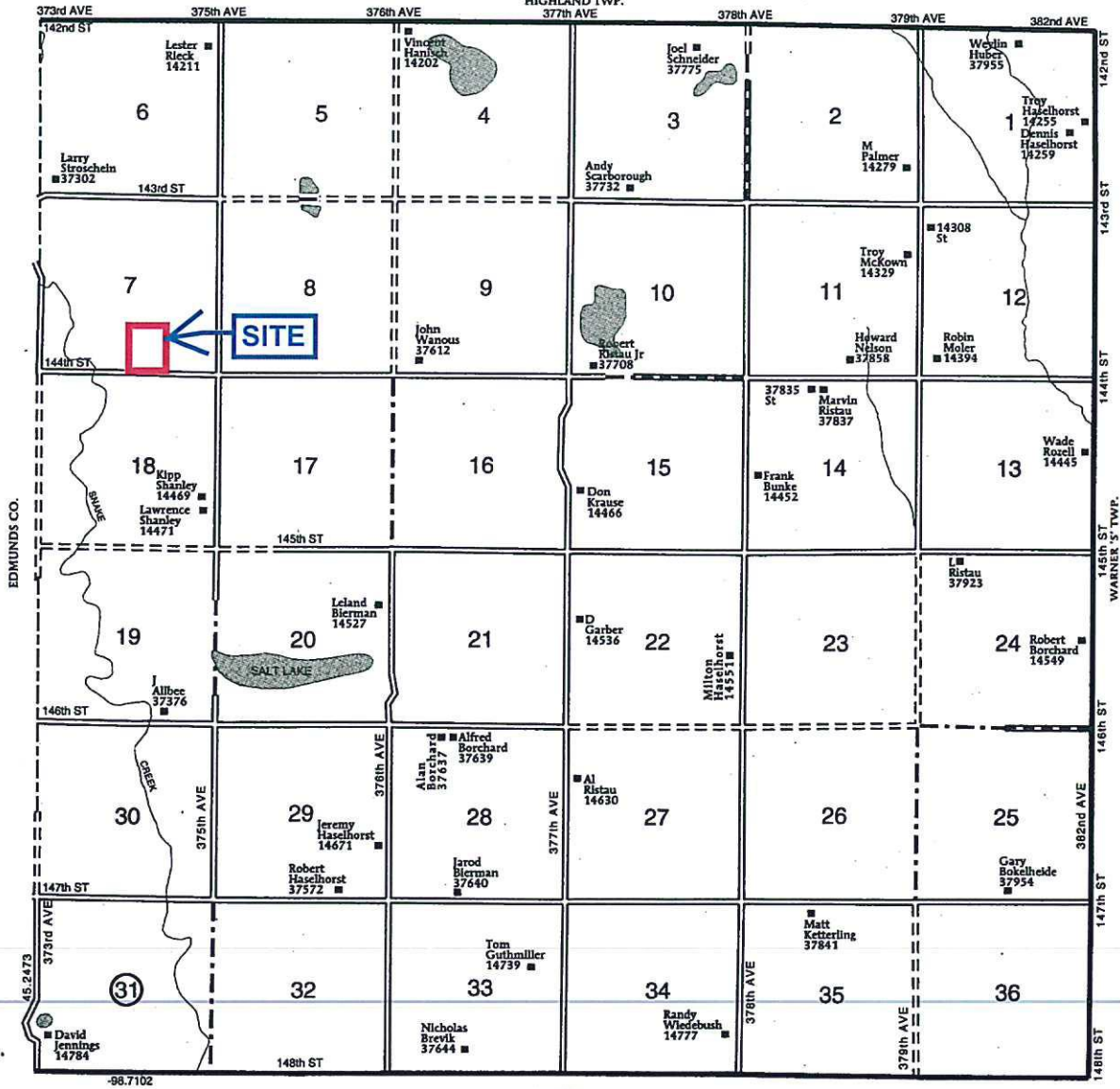
T-121-N

NEW HOPE DIRECTORY

R-65-W

(Residents - Owners or Renters)

HIGHLAND 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 March 15, 2022, at 7:00 P.M.

Petitioner / Owner: Larry & Sharon M. Stroschein Family LP

Description of property: Proposed Lots 1&2, "A Mitchell Addition", in the SE1/4 of Section 7-T121N-R65W of the 5th P.M., Brown County, South Dakota (37356 & 37380 144th Street, Mansfield, SD; New Hope Twp).

Reason: Variance to Lot Size for Lot 1 to be 10.00± acres and Lot 2 to be 30.07± acres rather than a minimum 40.0 acres to stay zoned as AG-P District per 4.0605 of Brown County Ordinances.

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

Dated this 2nd day of March 2022

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

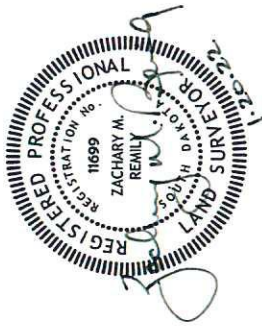
Published once at the total approximate cost of _____.

(STROSCHEIN)

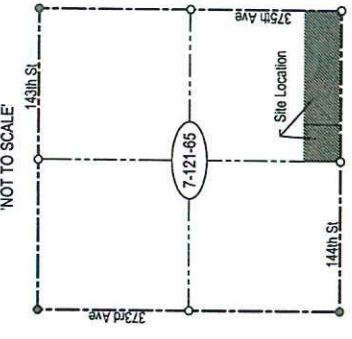
VARIANCE FINDINGS WORKSHEET

Prong One <i>Whether granting the variance runs counter to the public interest?</i>			
Consider the entire public— <i>not</i> just the neighbors	Findings		
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Complies with Chapter 4.0605 with the approval of the P&Z Commission per Br Co Ordinance - Farm Unit.
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Prong Two <i>Whether special conditions exist to grant a variance?</i>			
Physical conditions— <i>not</i> money or econ hardship	Findings		
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It <i>must</i> be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does <i>not</i> mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Chapter 4.0605 requires the approval from the P&Z Commission if they are a member of the Farm Unit.

PLAT SHOWING A MITCHELL ADDITION IN THE SE1/4 OF SECTION 7, TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



Section Line / 1/4 Line
N1/4 Cor. Sec. 7-121-65
(SET Pin w/Cap LS 11699)
N = 543197.74
E = 2299987.63



589° 37' 34"E 659.49'

Lot 1
Contains 10.00 Acres±
of which
0.50 Acres± is Section Line ROW

N89° 37' 35"W 659.49'
S1/4 Cor. Sec. 7-121-65
(FOUND Bent Pipe - SET Pin w/Cap LS 11699)
N = 537818.67
E = 2300013.37

589° 37' 34"E 1949.55'

Lot 2
Contains 30.07 Acres±
of which
1.98 Acres± is Section Line ROW

N89° 37' 35"W 1950.96'
N89° 37' 35"W 1984.04'

Section Line
E1/4 Cor. Sec. 7-121-65
(SET Pin w/Cap LS 11699)
N = 540543.58
E = 2302638.00

Section Line
SE Cor. Sec. 7-121-65
(SET Pin w/Cap LS 11699)
N = 537901.43
E = 2302656.55

Section Line
50° 24' 31"E 1981.66'

Section Line
50° 24' 31"E 660.55'

DRAWING SCALE
0 150'
SCALE IN FEET

LEGEND
● PIN FOUND (AS NOTED)
○ PIN SET w/CAP LS 11699
⊗ CALCULATED CORNER

BASIS OF BEARINGS
STATE PLANE COORDINATE SYSTEM
SOUTH DAKOTA NORTH ZONE (4001)
US SURVEY FEET - NAD '83
DISTANCES SHOWN ARE GROUND
COORDINATES SHOWN ARE GRID

Prepared By:
Assurance
LAND SURVEYING
819 14th Avenue S, Faulkton, South Dakota 57438
Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
Project No. ALS21176
Field Survey Date: 1-16-2022

PLAT SHOWING
A MITCHELL ADDITION
 IN THE SE1/4 OF SECTION 7, TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

The Larry and Sharon M. Stroschein Family Limited Partnership, a South Dakota limited partnership, does hereby certify that the limited partnership is the owner of the South Half of the South Half of the Southeast Quarter (S1/2 S1/2 SE1/4) of Section Seven (7), Township One Hundred Twenty-One (121) North, Range Sixty-Five (65) West of the 5th P.M., including Rick's Outlot 1 thereof, Brown County, South Dakota (Warranty Deed filed 10-3-2019 and recorded in Book 304 Deeds, Page 598), and that the limited partnership has 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:

*A MITCHELL ADDITION
 IN THE SE1/4 OF SECTION 7, TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA*

and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, The Larry and Sharon M. Stroschein Family Limited Partnership, a South Dakota limited partnership, does hereby VACATE Rick's Outlot 1 in the SE1/4 of Section 7, Township 121 North, Range 65 West of the 5th P.M., Brown County, South Dakota as filed for record on October 28, 1987 at 1:00 P.M., and duly recorded in Plat Book 7, Page 633E.

Owner: The Larry and Sharon M. Stroschein Family Limited Partnership, a South Dakota limited partnership

Larry Stroschein
 Larry Stroschein

Sharon M. Stroschein
 Sharon M. Stroschein

Signed this 31 day of January, 2022.

Signed this 31st day of January, 2022.

COUNTY OF Brown)
 STATE OF South Dakota) SS

On this the 31 day of January, 2022, before me, Kathy Zirbel, the undersigned officer, personally appeared Larry Stroschein and Sharon M. Stroschein of The Larry and Sharon M. Stroschein Family Limited Partnership, a South Dakota limited partnership known to me or satisfactorily proven to be the persons who, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

My Commission Expires: 5-17-2023
Kathy Zirbel
 Notary Public



SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted:

*A MITCHELL ADDITION IN THE SE1/4 OF SECTION 7,
 TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5TH P.M.,
 BROWN COUNTY, SOUTH DAKOTA*

as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 28th day of JANUARY, 2022.

Zachary M. Remily
 ZACHARY M. REMILY, LS 11689

NEW HOPE TOWNSHIP HIGHWAY APPROVAL

Existing Access to 144th 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 28th day of JANUARY, 2022.

Kipp Shanley, Chairman
 Kipp Shanley, Chairman
 Signature

PLAT SHOWING
A MITCHELL ADDITION
 IN THE SE1/4 OF SECTION 7, TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

COUNTY PLANNING COMMISSION APPROVAL
 I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2022.

 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:

*A MITCHELL ADDITION IN THE SE1/4 OF SECTION 7,
 TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5TH P.M.,
 BROWN COUNTY, SOUTH DAKOTA*

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

COUNTY COMMISSION APPROVAL
 I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2022.

 County Auditor
 Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing:

*A MITCHELL ADDITION IN THE SE1/4 OF SECTION 7,
 TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5TH P.M.,
 BROWN COUNTY, SOUTH DAKOTA*

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE
 I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the records of my office to be fully paid.
 Signed this _____ day of _____, 2022.

 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 _____, 2022.

 Director of Equalization
 Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE
 Filed for record this _____ day of _____, 2022,
 at _____ O'clock _____ M., and duly recorded as Hanging
 Plat No. _____.

 Register of Deeds
 Brown County, South Dakota

BROWN COUNTY
Planning/Zoning Department
(for reference only)

143RD ST

143RD ST

144TH ST

144TH ST

SITE

6
7

6 5
7 8

7
18

8
18 17

373RD AVE

375TH AVE

373RD AVE

375TH AVE



BROWN COUNTY

Planning/Zoning Department
(for reference only)

NW

NW

7-121-65

SE

SW

SW

SITE

Lot 1

Lot 2

375TH AVE

144TH ST

144TH ST

8
18
17

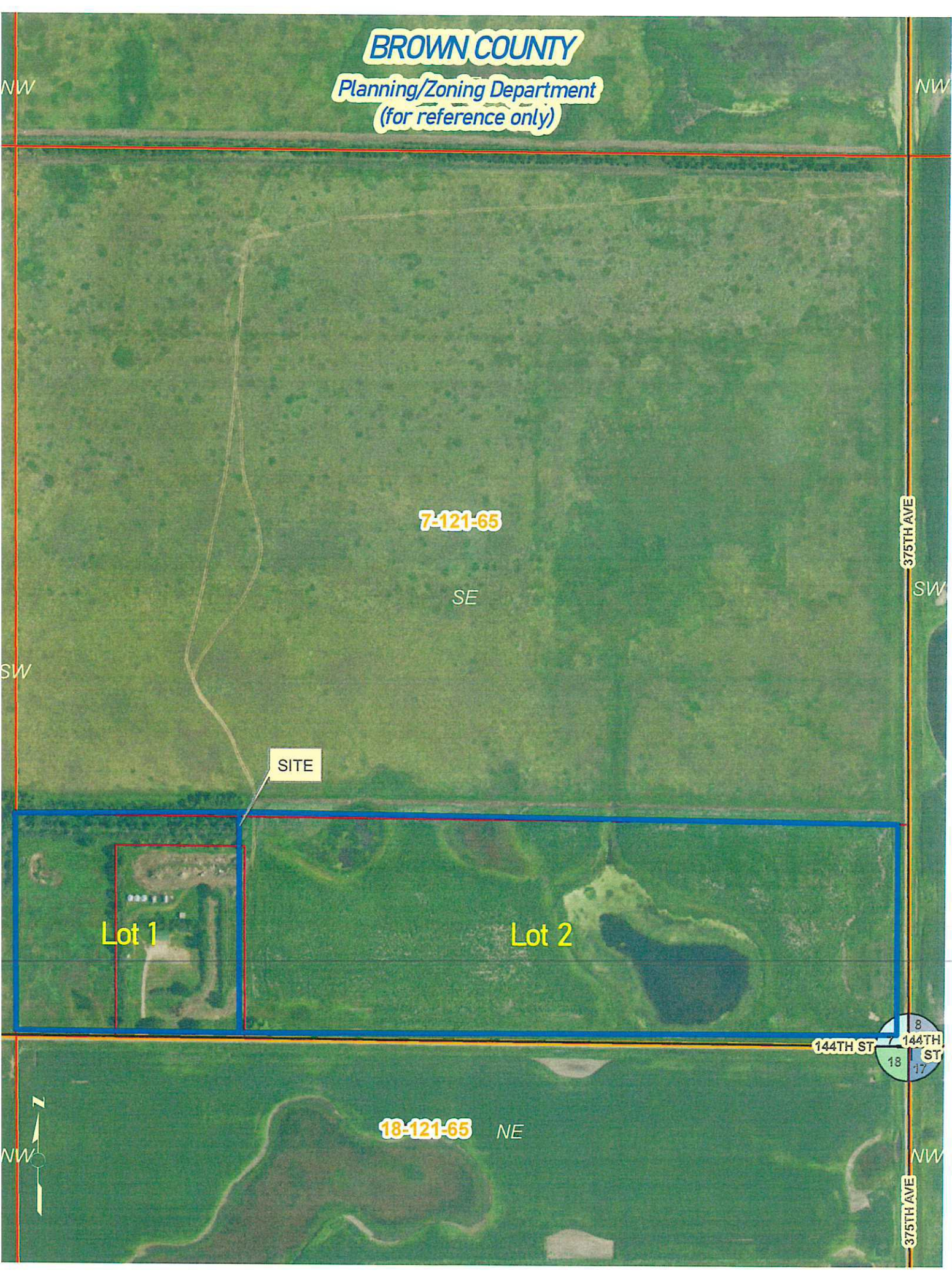
18-121-65

NE

NW

NW

375TH AVE



Larry Stroschein
Stroschein Family LP
37315 143rd Street
Mansfield SD 57460

New Hope Township
C/O Leland Bierman
14527 376th Avenue
Mansfield SD 57460

Larry Stroschein
Stroschein Family LP
37315 143rd Street
Mansfield SD 57460

Larry Krause
PO Box 109
Mansfield SD 57460

Kipp Shanley
14469 375th Avenue
Mansfield SD 57460



Order Confirmation
Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	

Date:	02/28/2022
Order Number:	6979409
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	48.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	03/02/2022 - 03/02/2022	Public Notices
ABD aberdeennews.com	1	03/02/2022 - 03/02/2022	Public Notices

Total Order Confirmation	\$18.44
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Ad Preview

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 March 15, 2022, at 7:00 P.M.

Petitioner / Owner: Larry & Sharon M. Stroschein Family LP

Description of property: Proposed Lots 1&2, "A Mitchell Addition", in the SE1/4 of Section 7-T121N-R65W of the 5th P.M., Brown County, South Dakota (37356 & 37380 144th Street, Mansfield, SD; New Hope Twp).

Reason: Variance to Lot Size for Lot 1 to be 10.00+ acres and Lot 2 to be 30.07+ acres rather than a minimum 40.0 acres to stay zoned as AG-P District per 4.0605 of Brown County Ordinances.

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

Dated this 2nd day of March 2022

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 \$18.44

March 2, 2022 6979409

STAFF REPORT

March 15, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

Conditional Use Petition (CUP) in H-I District

Item # 02

GENERAL INFORMATION:

PETITIONER: DSC Properties / Ryan Siefkes

REQUEST: **Conditional Use Petition (CUP)**

LEGAL DESCRIPTION: Lot 1, "Browning First Addition" in the NW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota

TOWNSHIP: Aberdeen Twp

LOCATION: 717 South 385th Ave, Aberdeen, SD 57401

EXISTING ZONING: Heavy Industrial District (H-I)

SURROUNDING ZONING:

- North: Heavy Industrial District (H-I) / Agriculture Preservation District (AG-P)
- South: Heavy Industrial District (H-I) / Highway Commercial District (HC)
- East: Heavy Industrial District (H-I)
- West: Heavy Industrial District (H-I)

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting this Conditional Use Petition (CUP) for a new business use, office remodel and re-facing of an existing business sign.

REVIEW: Staff has reviewed this request. Petitioner purchased this former Harley-Davidson property and is making changes for their new business use.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: February 8, 2022

FEES: \$225.00

RECEIPT # 620618

PAID: YES/NO CHK/CASH

TOWNSHIP: Aberdeen Twp

DATE: 2/28/2022

OWNERS SIGNATURE: DSC Properties LLC

OWNERS ADDRESS: ~~202 S Jackson St~~

OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401

OWNERS PHONE: _____

RJA
717 385th Ave S

AGENTS SIGNATURE: Ryan Siefkes

AGENTS ADDRESS: 202 S Jackson St

AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401

AGENTS PHONE: 605-380-6474

RJA

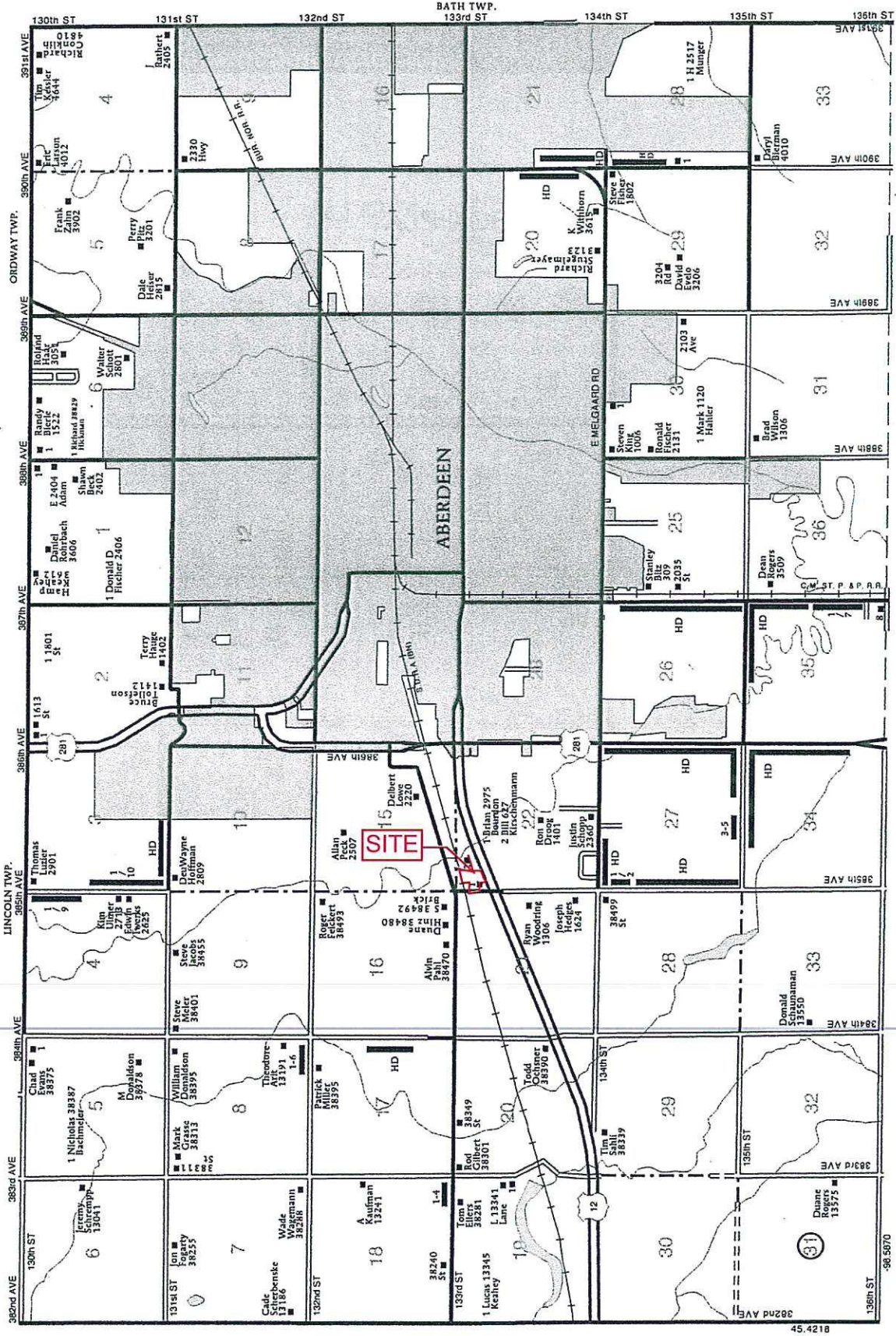
REQUEST: Special Exception/Conditional Use for a new business use, office remodel and re-facing of an existing business sign.

LEGAL DESCRIPTION: Lot 1, "Browning First Addition" in the NW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (717 S. 385th Ave; Aberdeen Twp.)

SIGNATURE: *RJA*

Planning Commission Action: <u>Approved / Denied</u>	

By: _____	Date: _____
HEARING DATE: <u>March 15, 2022</u>	TIME: <u>7:00 pm</u>



GEM 'W' TWP.

WARNER 'N' TWP.

SEE PAGE 134 FOR ADDITIONAL NAMES NOT LISTED ON MAP

NOTICE OF HEARING

Application has been made to Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Courthouse Annex, Basement Community Meeting Room, on March 15, 2022, at 7:00 P.M.

Petitioner: DSC Properties / Ryan Siefkes

Description of property: Lot 1, "Browning First Addition" in the NW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota (717 S. 385th Avenue).

Reason: A Conditional Use Petition (CUP) for a new business use, remodel & re-facing of sign.

The public is invited to attend the hearing to present either comments or testimony regarding the proposed conditional use request.

Dated this 2nd day of March 2022.

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 _____.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit • (Short Description) New business, office remodel & re-face sign
Applicant:	Name DSC Properties / Ryan Siefkes • Address 202 S Jackson St., Aberdeen, SD 57401
Landowner:	• Same
Legal Description:	Lot 1, "Browning First Addition" in the NW1/4 of Section 22-T123N-R64W of the 5th P.M., Brown County, South Dakota
Location:	717 S. 385th Ave
Size:	7.64 acres
Physical Description:	Existing office / shop building
Tax ID:	26995
Current Zoning:	Heavy Industrial District (H-I)
Existing Land Use:	Commercial
Surrounding Zoning:	• Highway Commercial District (HC), Heavy Industrial District (H-I) & Agriculture Preservation District (AG-P)
Utilities:	
Ordinance:	
Report by:	Scott Bader

FINDINGS

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

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

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

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

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

PROPERTY IS ZONED AS:

Heavy Industrial District (H-I)

Special Exception/Conditional use permitted? YES No

Fit with Comprehensive Plan? YES No

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

YES No

CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3

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

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

Conditional Use has adequate ingress, egress and traffic flow.

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

Conditional Use has parking and has minimal effects to adjoining properties.

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

Conditional Use has accommodations for refuse.

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

Conditional Use uses existing utilities.

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

Conditional Use has minimal screening due to it being a former retail sales business.

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

Sign and exterior lighting would have minimal effect to adjoining properties.

(g) Required yards and other open spaces;

Conditional Use meets yard and space requirements.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district

Conditional Use is compatible with other properties in the district.

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

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

BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS

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

Conditional Use would have a fire risk typical of a technology business.

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

Conditional Use would create minimal noise.

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

Conditional Use would create minimal vibration.

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

Conditional Use does not generate air pollution.

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

Conditional Use would create minimal odors.

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

Conditional Use would create minimal glare.

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

Conditional Use should not create a traffic hazard.

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

Conditional Use has existing sewer and water.

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

The character of the neighborhood will not be altered.

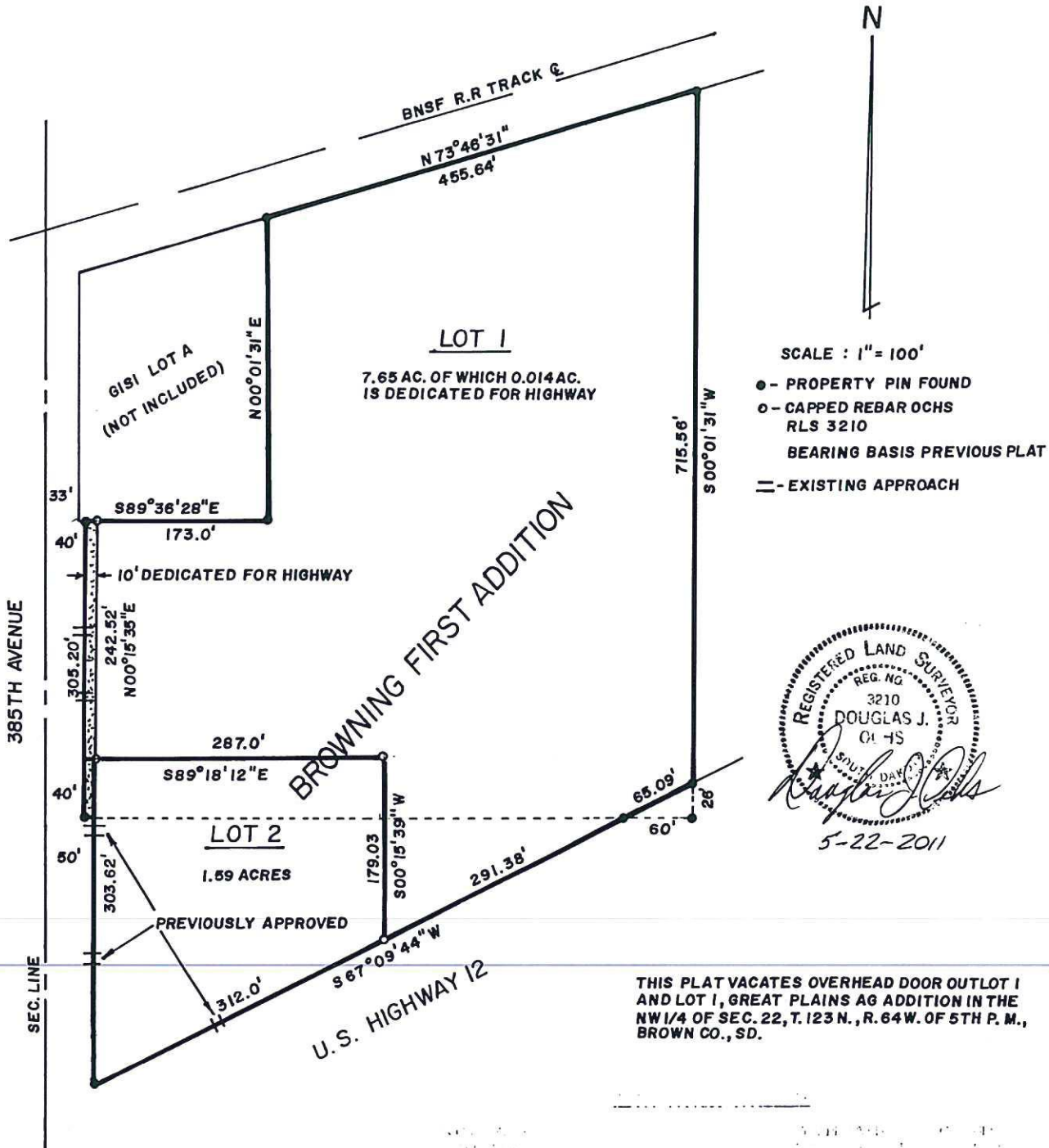
(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

Conditional Use should not adversely affect the general welfare of the community.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

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

PLAT SHOWING
 BROWNING FIRST ADDITION IN THE NW1/4 OF SEC. 22, T. 123 N.,
 R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA



THIS PLAT VACATES OVERHEAD DOOR OUTLOT 1
 AND LOT 1, GREAT PLAINS AG ADDITION IN THE
 NW1/4 OF SEC. 22, T. 123 N., R. 64 W. OF 5TH P.M.,
 BROWN CO., SD.

Jan Wassmentel, Superintendent

10/31/11

PREPARED BY:

OWNER'S CERTIFICATE

WE, BROWNING CONSULTANTS, A LIMITED LIABILITY COMPANY, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 1 OF GREAT PLAINS AG ADDITION IN THE NW¼ OF SEC. 22, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE JOINED TOGETHER TO SURVEY AND PLAT "BROWNING FIRST ADDITION IN THE NW¼ OF SEC. 22, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," CONTAINING 9.24 ACRES, MORE OR LESS. WE HEREBY DEDICATE THE 10 FEET SHOWN TO THE PUBLIC USE FOREVER FOR STREET PURPOSES. WE DO FURTHER CERTIFY THAT THE LAND INCLUDED IN THIS PLAT SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

SIGNED THIS 1 DAY OF September, 2011.

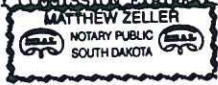
[Signature]
BROWNING CONSULTANTS, LLC
MARK BROWNING - MEMBER
[Signature]
DOROTHY BROWNING
BROWNING CONSULTANTS, LLC
DOROTHY BROWNING - MEMBER

SIGNED THIS 11 DAY OF September, 2011.

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN) ss

ON THIS 1st DAY OF September, 2011, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED MARK AND DOROTHY BROWNING, KNOWN TO ME TO BE MEMBERS OF BROWNING CONSULTANTS, A LIMITED LIABILITY COMPANY, AND WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREBY SET MY OFFICIAL HAND AND SEAL.

MY COMMISSION EXPIRES: 5/24/12



[Signature]
NOTARY PUBLIC, BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, RICHARD AND DONNA JO TURGEON, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF OVERHEAD DOOR OUTLOT 1 IN THE NW¼ OF SEC. 22, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE JOINED TOGETHER TO SURVEY AND PLAT "BROWNING FIRST ADDITION IN THE NW¼ OF SEC. 22, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," CONTAINING 9.24 ACRES, MORE OR LESS. WE HEREBY DEDICATE THE 10 FEET SHOWN TO THE PUBLIC USE FOREVER FOR STREET PURPOSES. WE DO FURTHER CERTIFY THAT THE LAND INCLUDED IN THIS PLAT SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

SIGNED THIS 6 DAY OF July, 2011.

[Signature]
OWNER: RICHARD TURGEON

SIGNED THIS 6th DAY OF July, 2011.

[Signature]
OWNER: DONNA JO TURGEON

STATE OF SOUTH DAKOTA)
COUNTY OF Brown) ss

ON THIS 6th DAY OF July, 2011, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED RICHARD AND DONNA JO TURGEON, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSES, THEREIN CONTAINED. IN WITNESS WHEREOF I HEREBY SET MY OFFICIAL HAND AND SEAL.

MY COMMISSION EXPIRES:

[Signature]
NOTARY PUBLIC, Minnehaha COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, DOUGLAS J. OCHS, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "BROWNING FIRST ADDITION IN THE NW¼ OF SEC. 22, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," AND THAT I HAVE SET IRON MONUMENTS AS DENOTED HEREON AND THAT SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNED THIS 23RD DAY OF MAY, 2011.

[Signature]
REGISTERED LAND SURVEYOR #3210

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 25 DAY OF October, 2011.

[Signature]
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

"BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "BROWNING FIRST ADDITION IN THE NW¼ OF SEC. 22, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-3, AND ANY AMENDMENTS THEREOF."

CERTIFICATES FOR - "BROWNING FIRST ADDITION IN THE NW¼ OF SEC. 22, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA."

COUNTY PLAN COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLAN COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE 19th DAY OF Oct., 2011.

[Signature]
SECRETARY, BROWN COUNTY PLAN COMMISSION

"BE IT RESOLVED BY THE COUNTY PLAN COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "BROWNING FIRST ADDITION IN THE NW¼ OF SEC. 22, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-6, AND ANY AMENDMENTS THEREOF."

APPROVAL BY CITY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF ABERDEEN, SOUTH DAKOTA AT A MEETING HELD ON THE 24th DAY OF October, 2011.

[Signature]
FINANCE OFFICER, ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "BROWNING FIRST ADDITION IN THE NW¼ OF SEC. 22, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-3 AND ANY AMENDMENTS THEREOF."

CITY PLAN COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY PLAN COMMISSION OF ABERDEEN, SOUTH DAKOTA AT A MEETING HELD ON THE 18th DAY OF October, 2011.

[Signature]
FINANCE OFFICER, ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE CITY PLAN COMMISSION OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "BROWNING FIRST ADDITION IN THE NW¼ OF SEC. 22, T. 123 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-6 AND ANY AMENDMENTS THEREOF."

TREASURER'S CERTIFICATE

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

SIGNED THIS 8 DAY OF Sept, 2011.

[Signature]
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 8 DAY OF Sept, 2011.

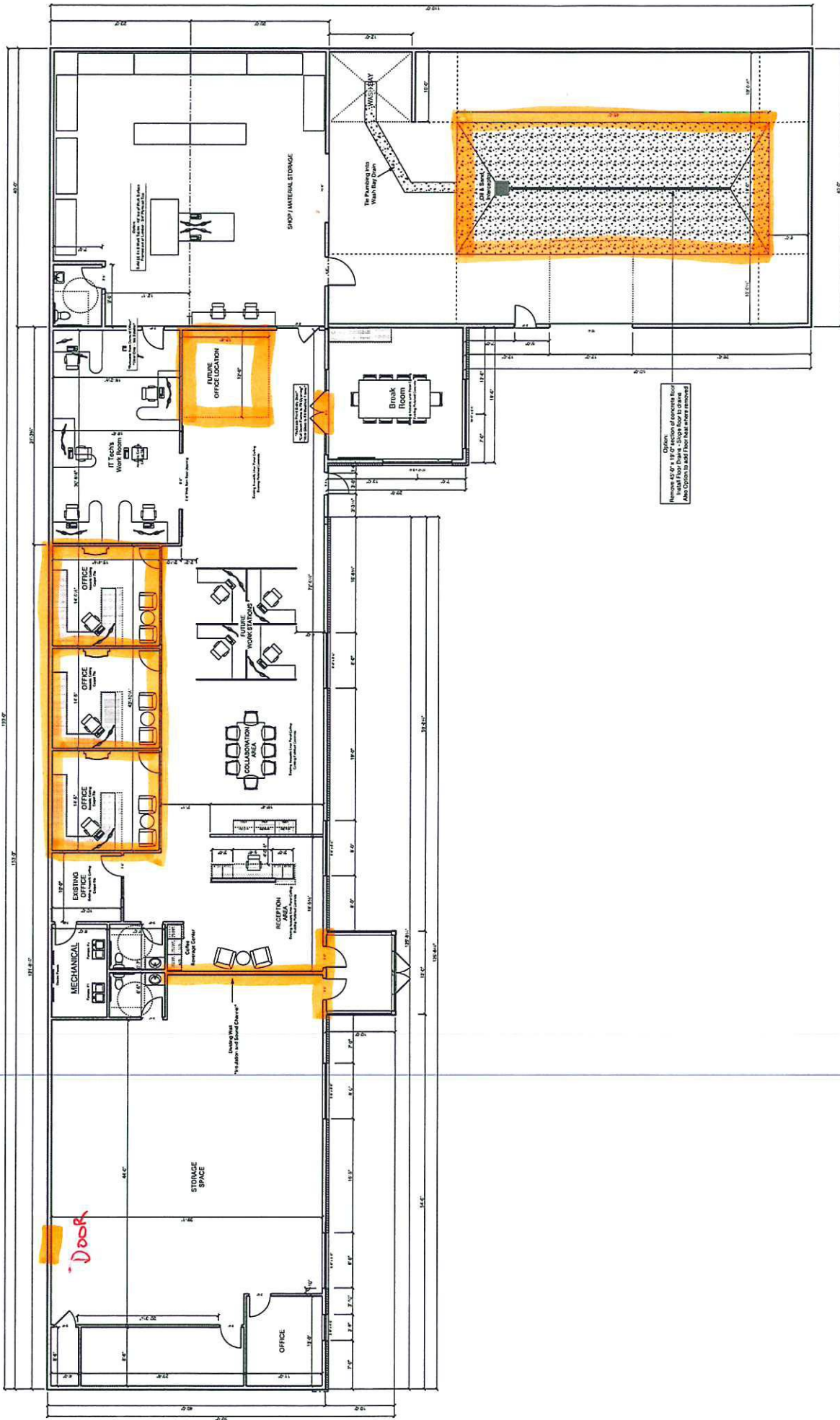
[Signature]
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SD

REGISTER OF DEEDS' CERTIFICATE

FILED FOR RECORD THIS 31 DAY OF October, 2011, AT 3:55 O'CLOCK P.M., AND DULY RECORDED IN HANGING PLAT FILE 2814.

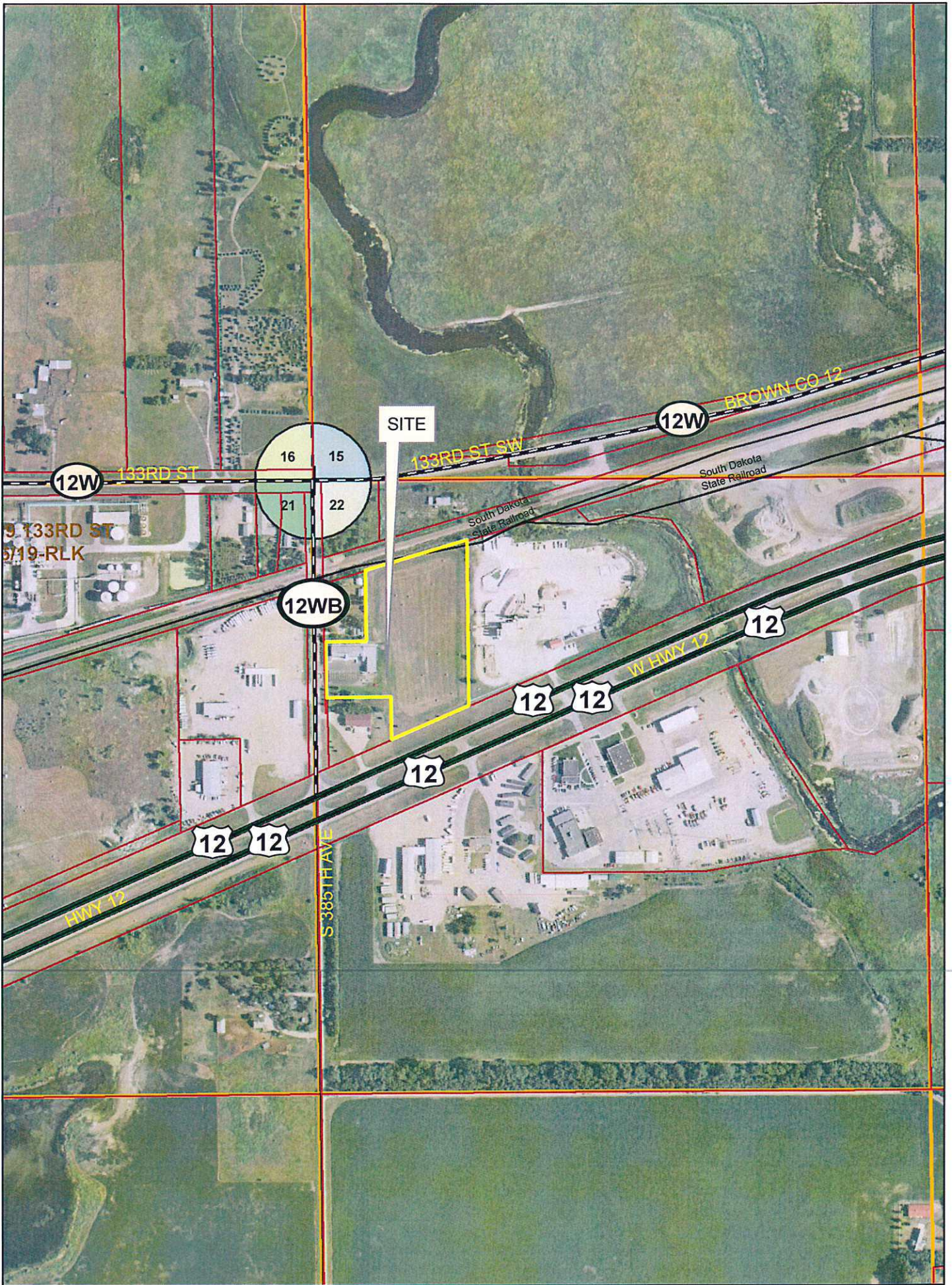
[Signature]
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA





Door

Detail:
 Remove 4" or 1" of sections of concrete floor
 and 1" of sections of floor joists above
 Area shown to add floor joist removal



SITE

12W

133RD ST

12WB

133RD ST SW

12W

BROWN CO 12

5719-RLK
133RD ST

South Dakota
State Railroad

South Dakota
State Railroad

12

12

12

W HWY 12

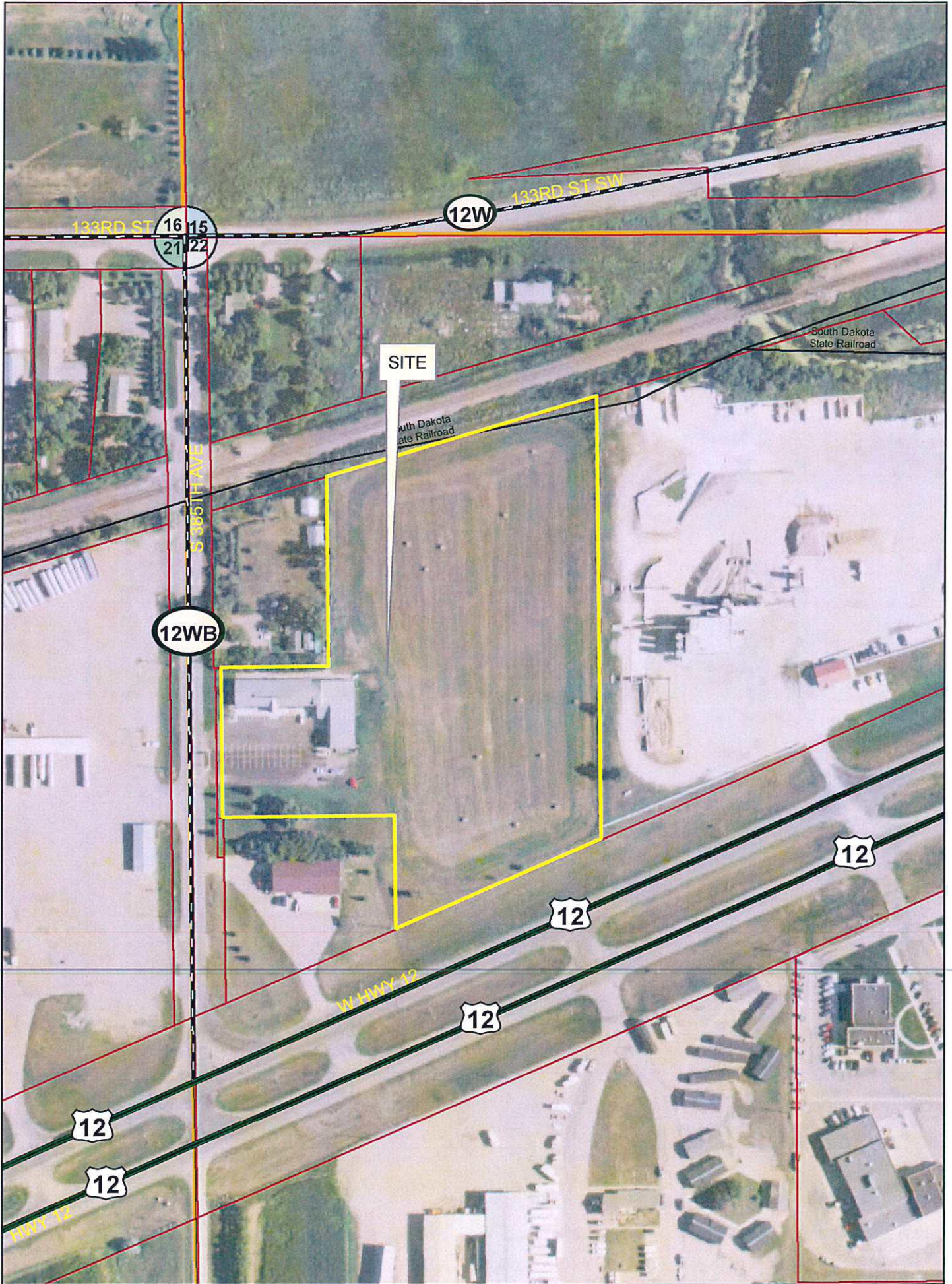
12

12

12

HWY 12

S 385TH AVE



16 15
21 22

12W

133RD ST SW

SITE

South Dakota
State Railroad

South Dakota
State Railroad

S 305TH AVE

12WB

12

12

12

12

12

W HWY 12

DSC Properties, LLC
202 S Jackson St
Aberdeen SD 57401

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

DSC Properties, LLC
202 S Jackson St
Aberdeen SD 57401

Brian Bourdon
2975 133rd St SW
Aberdeen SD 57401

William Mundhenke
14175 406th Ave
Groton SD 57445

CRM Acquisition Inc
Industrial Tax Consulting
5506 W Hwy 290 Ste 200
Austin TX 78735

Charlotte Liebelt
PO Box 1832
Aberdeen SD 57402-1832

Donna & Richard Turgeon
2800 W Latigo Trail
Sioux Falls SD 57108

Real Estate Company 2
337 22nd Ave S
Brookings SD 57006

Bill Kirschenmann
13115 393rd Ave
Bath SD 57427



Aberdeen News
Watertown Public Opinion

Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	

Date:	02/28/2022
Order Number:	6979519
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	42.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	03/02/2022 - 03/02/2022	Public Notices
ABD aberdeennews.com	1	03/02/2022 - 03/02/2022	Public Notices

Total Order Confirmation \$16.76

STAFF REPORT

March 15, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

Conditional Use Petition (CUP)

ITEM # 03

GENERAL INFORMATION:

PETITIONER: Cory Foerster

REQUEST: **Conditional Use Petition (CUP) in Heavy Industrial District (HI).**

LEGAL DESCRIPTION: Lot 5, "D&S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota.

TOWNSHIP: Aberdeen Twp

LOCATION: 4302 Schipke Lane, Aberdeen, SD 57401

EXISTING ZONING: Heavy Industrial District (HI)

SURROUNDING ZONING:

- North: Heavy Industrial District (HI)
- South: Heavy Industrial District (HI)
- East: Heavy Industrial District (HI)
- West: Heavy Industrial District (HI)

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting a Conditional Use Petition (CUP) for Condo Business Storage in a Heavy Industrial District (HI). Since this is zoned HI District, there are not any permitted uses. Everything goes through as a CUP through the Zoning Board of Adjustment (BOA) for approval.

REVIEW: Staff has reviewed this request. The proposed building is 60' x 210'. There will be one (1) stall 60' x 90' and four (4) stalls 60' x 30'. Brown County Zoning has recommended to the owner to talk with local fire departments to see if they have any requirements on the length of the building and stall fire-separation.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: February 2, 2022 FEES: \$225.00
RECEIPT # 620620 PAID: YES/NO CHK/CASH
TOWNSHIP: Aberdeen Twp DATE: 2/28/2020

OWNERS SIGNATURE: Foerster Testing Limited
OWNERS ADDRESS: 4302 Schipke Lane
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-690-8419

AGENTS SIGNATURE: Cory Foerster
AGENTS ADDRESS: 1511 Doral Drive
AGENTS CITY, STATE, ZIP: Brookings, SD 57006
AGENTS PHONE: 605-690-8419

REQUEST: Conditional Use Permit for Condo Business Storage in a Heavy
Industrial District (H-I).

LEGAL DESCRIPTION: Lot 5, "D&S Business Park First Addition" in the NW1/4
of Section 9-T123N-R63W of the 5th P.M., Brown County,
South Dakota (4302 Schipke Lane; Aberdeen Twp.)

SIGNATURE: 

Planning Commission Action: Approved / Denied

By: _____ Date: _____

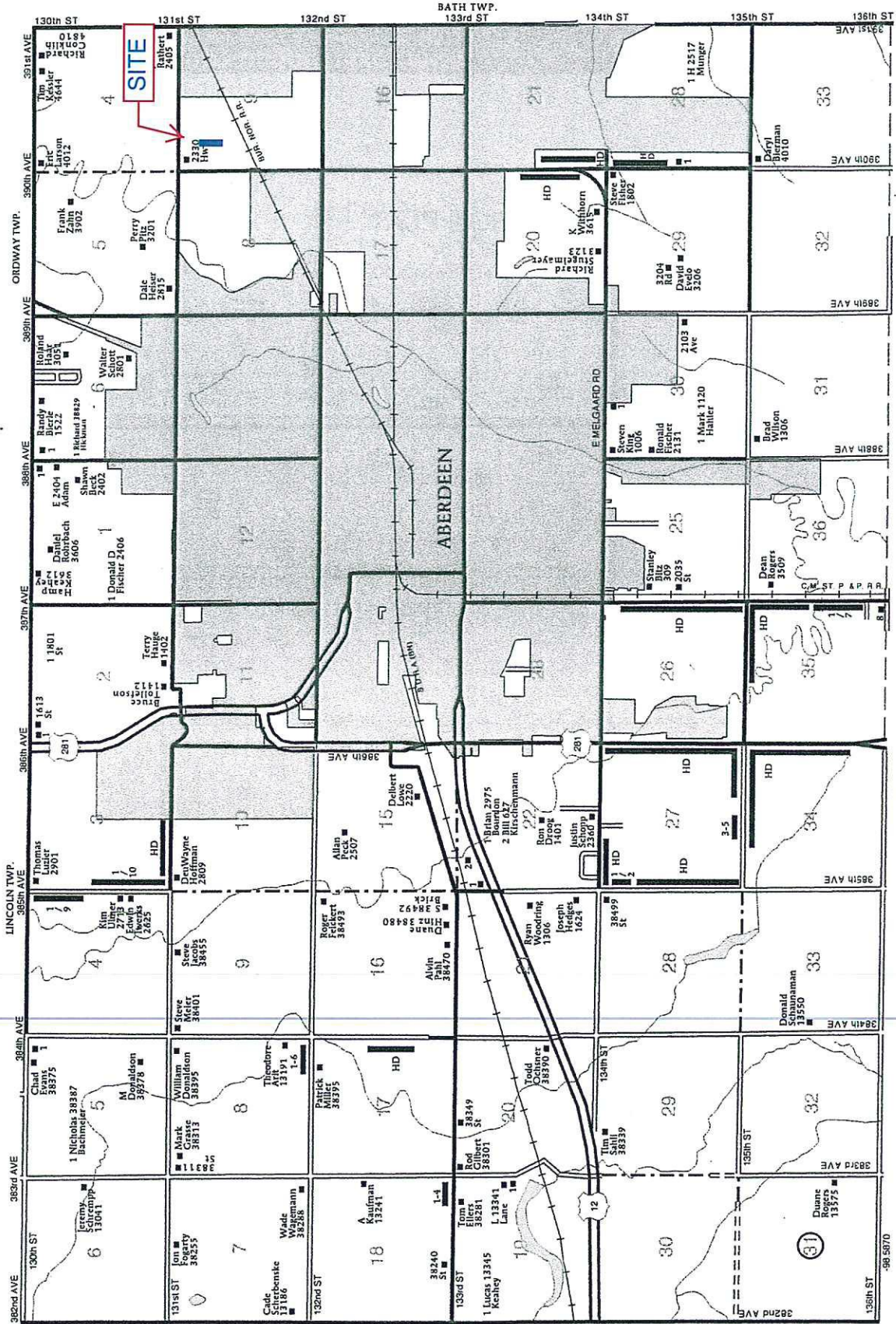
HEARING DATE: March 15, 2022 TIME: 7:00 pm

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)



MERCIER TWP.

45.4218

GEM W TWP.

WARNER N TWP.

SEE PAGE 134 FOR ADDITIONAL NAMES NOT LISTED ON MAP

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a Conditional Use Petition (CUP). A hearing will be held in the Brown County Courthouse Annex in the Basement Community Meeting Room on March 15, 2022, at 7:00 pm.

Petitioner & owner: Cory Foerster / Foerster Testing Limited

Description of property: Lot 5, "D&S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4302 Schipke Lane, Aberdeen, SD 57401).

Reason: Conditional Use Petition (CUP) for Condo Business Storage in a Heavy Industrial District (H-I).

The public is invited to attend the hearing and to present comments and testimony regarding the proposed Conditional Use Petition (CUP).

Dated this 2nd day of March, 2022

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 _____.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit • (Short Description) Condo Business Storage in Heavy Industrial
Applicant:	Name Foerster Testing Limited, Cory Foerster • Address 1511 Doral Drive, Brookings, SD 57006
Landowner:	• Same
Legal Description:	Lot 5, "D&S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota
Location:	4302 Schipke Lane, Aberdeen, SD 57401
Size:	
Physical Description:	
Tax ID:	
Current Zoning:	Heavy Industrial District (H-I)
Existing Land Use:	
Surrounding Zoning:	• Heavy Industrial District (H-I)
Utilities:	
Ordinance:	
Report by:	Scott Bader

FINDINGS
JURISDICTION (APPROVING AUTHORITY SDCL 11-2-17.3 AND 11-2-53 (3); BCO 4.2402) The Board of Adjustment is empowered under chapter 4.24 of Brown County Ordinance to grant the special exception/conditional use and that the granting of the special exception <input type="checkbox"/> will OR <input checked="" type="checkbox"/> will not adversely affect the public interest and welfare.
CATEGORY OF CONDITIONAL USE REQUIRING APPROVAL SDCL 11-2-17.3 <i>NOT SURE WHAT THIS MEANS? IS IT THE USE THEY ARE ASKING FOR?</i>
ZONING DISTRICT AVAILABILITY OF SPECIAL EXCEPTION SDCL 11-2-17.3
PROPERTY IS ZONED AS: Heavy Industrial District (H-I)
Special Exception/Conditional use permitted? <input checked="" type="checkbox"/> YES <input type="checkbox"/> No
Fit with Comprehensive Plan? <input checked="" type="checkbox"/> YES <input type="checkbox"/> No

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

YES No

CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3

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

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

Conditional Use has adequate ingress, egress and traffic flow.

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

Conditional Use has parking and has minimal effects to adjoining properties.

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

Conditional Use will have accommodations for refuse.

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

Conditional Use will use existing utilities.

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

Conditional Use has no screening which is consistent with neighboring properties.

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

Sign and exterior lighting would have minimal effects to adjoining properties.

(g) Required yards and other open spaces;

Conditional Use requires a variance to setbacks for yard and space requirements.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district

Conditional Use is compatible with other properties in the district.

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

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

BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS

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

Conditional Use would have a fire risk typical of a business storage facility.

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

Conditional Use would create minimal noise.

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

Conditional Use would create minimal vibration.

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

Conditional Use should not generate any air pollution.

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

Conditional Use would create minimal odors.

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

Conditional Use would create minimal glare.

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

Conditional Use should not create a traffic hazard.

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

Conditional Use should not substantially increase the burden on sewer or water.

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

The character of the neighborhood will not be altered.

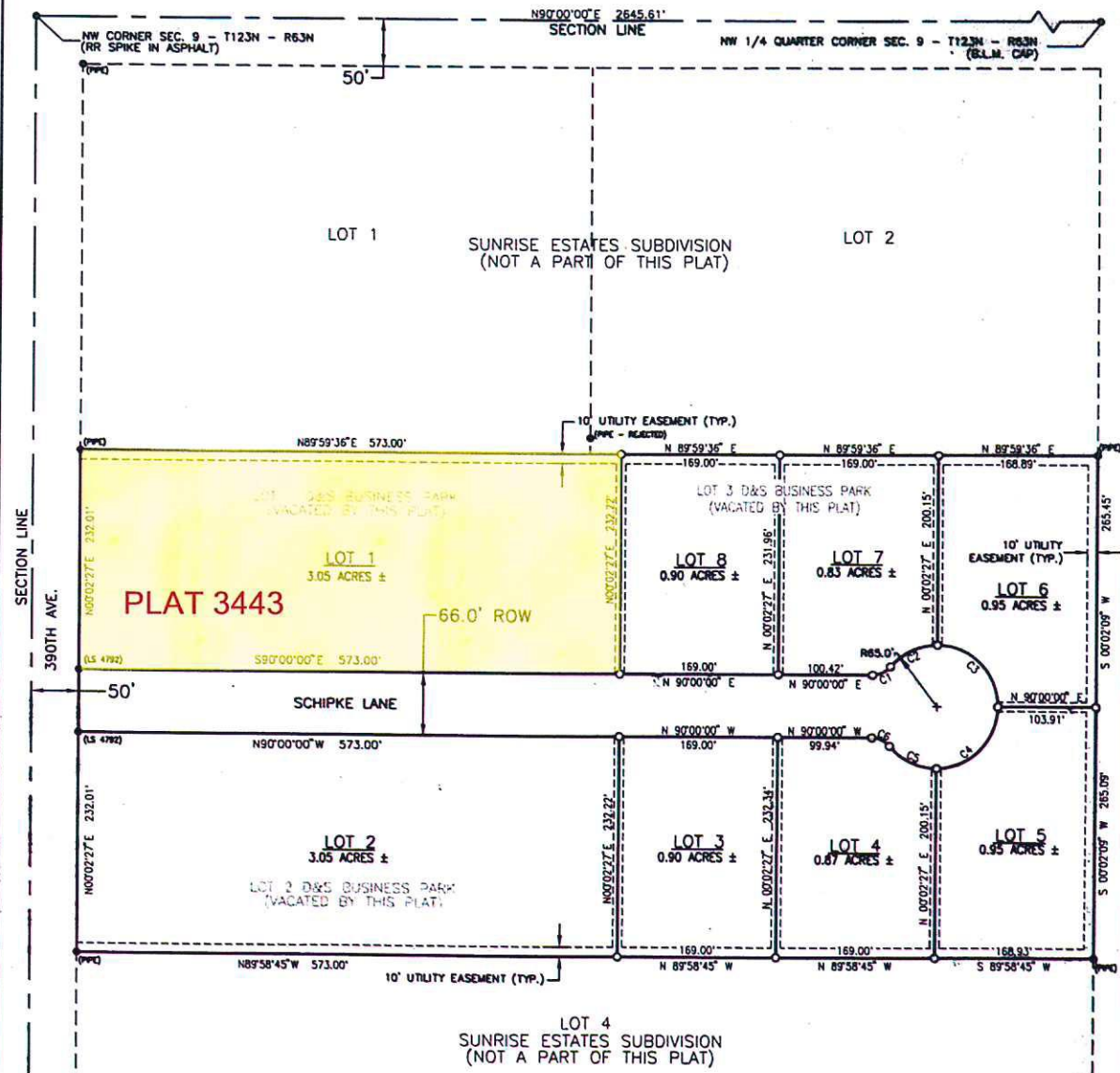
(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

Conditional Use should no adversely affect the general welfare of the community.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

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

**PLAT SHOWING
D & S BUSINESS PARK FIRST ADDITION
IN THE NORTHWEST 1/4 OF SECTION 9
T123N R63W of the 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	21.65'	20.98'	N 85°11'31" E	49°36'58"
C2	65.00'	56.33'	54.59'	N 85°12'44" E	49°38'24"
C3	65.00'	102.06'	91.89'	S 44°58'47" E	86°57'33"
C4	65.00'	102.15'	91.96'	S 45°01'13" W	90°02'27"
C5	65.00'	56.83'	55.04'	N 64°54'45" W	50°03'37"
C6	25.00'	21.88'	21.18'	N 64°55'58" W	50°08'04"

BASIS OF BEARINGS
ASSUMED

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

UTILITY EASEMENT
(AS SHOWN)

NOTE: ALL INTERIOR LOT LINES HAVE A 5' UTILITY
EASEMENT AS SHOWN BY DASHED LINES ON EACH SIDE.



Prepared by:

CLARK ENGINEERING CORPORATION
Aberdeen, SD 57401
(605) 225-3494
(605) 225-5433 fax

**PLAT SHOWING
D & S BUSINESS PARK FIRST ADDITION
IN THE NORTHWEST 1/4 OF SECTION 9
T123N R63W of the 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

OWNER'S CERTIFICATE

D & S INVESTMENTS, LLC., HEREBY CERTIFIES THEY ARE THE OWNERS OF LOT 3, D & S BUSINESS PARK IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT THEY HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL HEREINAFTER BE KNOWN AND DESCRIBED AS "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA." AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDMISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, WE, D & S INVESTMENTS, LLC., HEREBY VACATE SCHIPKE LANE, AND LOT 3, D & S BUSINESS PARK IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS RECORDED IN HANGING PLAT No. 2323H.

D & S INVESTMENTS, LLC. HEREBY DEDICATES SCHIPKE LANE FOR STREET PURPOSES AS SHOWN ON THE ATTACHED PLAT.

D & S INVESTMENTS, LLC. HEREBY DEDICATES FOR PERPETUAL USE BY ALL PUBLIC UTILITIES, THE UTILITY EASEMENTS AS SHOWN OR REFERENCED ON THIS PLAT.

SIGNED THIS 27 DAY OF Jan, 2009.

OWNER: D & S INVESTMENTS, LLC.

[Signature]
SIGNATURE

Darrell Humphries, owner
PRINT NAME AND TITLE

COUNTY OF Brown
STATE OF South Dakota } SS

ON THIS 27 DAY OF January, 2009, BEFORE ME, A NOTARY PUBLIC, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED Darrell Humphries WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE Owner OF D & S INVESTMENTS, LLC. AND THAT HE/SHE AS SUCH Owner BEING AUTHORIZED TO DO SO, EXECUTED THE FORGOING INSTRUMENT FOR THE PROPOSED THEREIN CAPTIONED, BY SIGNING THE NAME OF THE CORPORATION BY HIMSELF/HERSELF AS Owner



MY COMMISSION EXPIRES: October 24, 2011

Lavonne Krue
NOTARY PUBLIC

WE, DARRELL AND KATHY HUMPHRIES, HUSBAND AND WIFE AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 2, D & S BUSINESS PARK IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL HEREINAFTER BE KNOWN AND DESCRIBED AS "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA." AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDMISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, WE, DARRELL AND KATHY HUMPHRIES, DO HEREBY VACATE SCHIPKE LANE, AND LOT 2, D & S BUSINESS PARK IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS RECORDED IN HANGING PLAT No. 2323H.

DARRELL AND KATHY HUMPHREIS, DO HEREBY DEDICATE SCHIPKE LANE FOR STREET PURPOSES AS SHOWN ON THE ATTACHED PLAT.

DARRELL AND KATHY HUMPHRIES, DO HEREBY DEDICATE FOR PERPETUAL USE BY ALL PUBLIC UTILITIES, THE UTILITY EASEMENTS AS SHOWN OR REFERENCED ON THIS PLAT.

SIGNED THIS 27 DAY OF Jan, 2009.

OWNERS:

[Signature]
DARRELL HUMPHRIES

[Signature]
KATHY HUMPHRIES

COUNTY OF Brown
STATE OF South Dakota } SS

ON THIS 27th DAY OF January, 2009, BEFORE ME, A NOTARY PUBLIC, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DARRELL AND KATHY HUMPHRIES HUSBAND AND WIFE AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, KNOWN TO ME TO BE THE PERSONS IN AND WHO EXECUTED THE WITHIN INSTRUMENT, AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.



MY COMMISSION EXPIRES: October 24, 2011

Lavonne Krue
NOTARY PUBLIC

Prepared By:

CLARK
ENGINEERING CORPORATION
Aberdeen, SD 57401
(605) 225-3494
(605) 225-5433 fax

**PLAT SHOWING
D & S BUSINESS PARK FIRST ADDITION
IN THE NORTHWEST 1/4 OF SECTION 9
T123N R63W of the 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

OWNER'S CERTIFICATE

WE, STEWART AND CATHY SCHIPKE, HUSBAND AND WIFE AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 1, D & S BUSINESS PARK IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL HERINAFTER BE KNOWN AND DESCRIBED AS "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA." AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, WE, STEWART AND CATHY SCHIPKE, DO HEREBY VACATE SCHIPKE LANE, AND LOT 1, D & S BUSINESS PARK IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AS RECORDED IN HANGING PLAT No. 2323H.

STEWART AND CATHY SCHIPKE, DO HEREBY DEDICATE SCHIPKE LANE FOR STREET PURPOSES AS SHOWN ON THE ATTACHED PLAT.

STEWART AND CATHY SCHIPKE, DO HEREBY DEDICATE FOR PERPETUAL USE BY ALL PUBLIC UTILITIES, THE UTILITY EASEMENTS AS SHOWN OR REFERENCED ON THIS PLAT.

SIGNED THIS 26th DAY OF January, 2009.

OWNERS:

Stewart Schipke
STEWART SCHIPKE
Cathy Schipke
CATHY SCHIPKE

COUNTY OF Brown
STATE OF South Dakota



ON THIS 26th DAY OF January, 2009, BEFORE ME, A NOTARY PUBLIC, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED STEWART AND CATHY SCHIPKE, HUSBAND AND WIFE AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, KNOWN TO ME TO BE THE PERSONS IN AND WHO EXECUTED THE WITHIN INSTRUMENT, AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

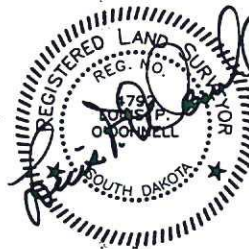
MY COMMISSION EXPIRES: July 16, 2011

Don Grismer
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, LOUIS P. O'DONNELL, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "D & S BUSINESS PARK FIRST ADDITION, IN THE NW1/4 SECTION 9, T123N, R63W 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 26th DAY OF JANUARY, 2009.



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 17th DAY OF Feb, 2009.

Scott Bell
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 "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 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 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 24 DAY OF Feb, 2009.

Melanie Taylor
COUNTY AUDITOR
BROWN COUNTY, SOUTH DAKOTA

"BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 SECTION 9, T123N R63W 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 CORPORATION
Aberdeen, SD 57401
(605) 225-3494
(605) 225-5433 fax

**PLAT SHOWING
D & S BUSINESS PARK FIRST ADDITION
IN THE NORTHWEST 1/4 OF SECTION 9
T123N R63W of the 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

CITY PLANNING COMMISSION APPROVAL

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA, AT A MEETING HELD ON THE 17th DAY OF February, 2009.

Karl Alberts
FINANCE OFFICER
ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 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 THEREOF."

CITY COUNCIL APPROVAL

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY COUNCIL OF ABERDEEN, SOUTH DAKOTA, AT A MEETING HELD ON THE 23rd DAY OF February, 2009.

Karl Alberts
FINANCE OFFICER
ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE CITY COUNCIL OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 SECTION 9, T123N R63W 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.

4/27/09 Irene Bouchard as Deputy Treas
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 13 DAY OF February, 2009.

Sara Hagmann
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS' CERTIFICATE

FILED FOR RECORD THIS 10th DAY OF March, 2009, AT 9:25 O'CLOCK A.M., AND DULY RECORDED IN BOOK OF PLAT NO. 2533H ON PAGE NO. _____, THEREIN.

Carol Sherman by Kimberly Byron
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

Prepared By:

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

6/9/2009
JUN 2009

Brown County GIS Map
(for reference only)



Brown County GIS Map
(for reference only)

24TH AVE NE

5 4
24TH AVE NE
8 9

N BROWN CO 19 19.3

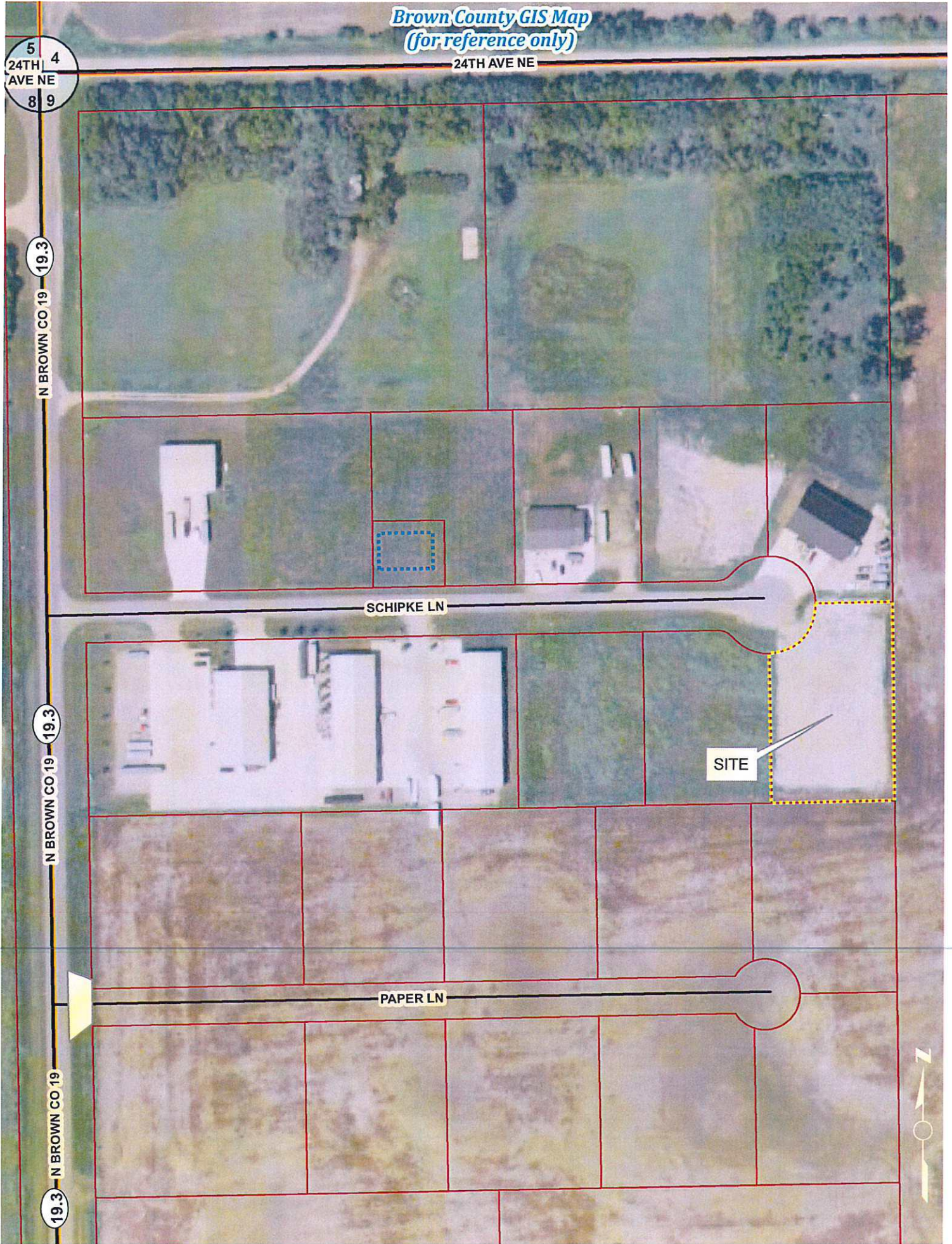
N BROWN CO 19 19.3

N BROWN CO 19 19.3

SCHIPKE LN

PAPER LN

SITE



Cory Foerster
1511 Doral Drive
Brookings SD 57006

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

Cory Foerster
1511 Doral Drive
Brookings SD 57006

Stewart Schipke
1225 Birchwood Lane
Aberdeen SD 57401

Kathy Humphries
38876 Hobby Drive
Aberdeen SD 57401

Clarence Habeck Jr.
4653 8th Avenue NE
Aberdeen SD 57401

Kyle & Keith Kadrmas
9969 1st Street SW
Dunn Center ND 58626

Reed Swenson
13546 395th avenue
Bath SD 57427

JJK Condo, LLC
1335 Pinewood Lane
Aberdeen SD 57401

Todd Rosebrock
1803 N Jay Street
Aberdeen SD 57401



Aberdeen News
Watertown Public Opinion

Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	

Date:	02/28/2022
Order Number:	6979567
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	44.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	03/02/2022 - 03/02/2022	Public Notices
ABD aberdeennews.com	1	03/02/2022 - 03/02/2022	Public Notices

Total Order Confirmation | **\$17.32**

Ad Preview

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a Conditional Use Petition (CUP). A hearing will be held in the Brown County Courthouse Annex in the Basement Community Meeting Room on March 15, 2022, at 7:00 pm. Petitioner & owner: Cory Foerster / Foerster Testing Limited

Description of property: Lot 5, "D&S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4302 Schipke Lane, Aberdeen, SD 57401).

Reason: Conditional Use Petition (CUP) for Condo Business Storage in a Heavy Industrial District (H-1).

The public is invited to attend the hearing and to present comments and testimony regarding the proposed Conditional Use Petition (CUP).

Dated this 2nd day of March, 2022

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 \$17.32

March 2, 2022 6979567

STAFF REPORT

March 15, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO BUILDING SETBACKS

ITEM # 04

GENERAL INFORMATION:

PETITIONER: Cory Foerster

REQUEST: **VARIANCE TO BUILDING SETBACKS in Heavy Industrial (HI) District.**

LEGAL DESCRIPTION: Lot 5, "D&S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota.

TOWNSHIP: Aberdeen Twp

LOCATION: 4302 Schipke Lane, Aberdeen, SD 57401

EXISTING ZONING: Heavy Industrial District (HI)

SURROUNDING ZONING:

- North: Heavy Industrial District (HI)
- South: Heavy Industrial District (HI)
- East: Heavy Industrial District (HI)
- West: Heavy Industrial District (HI)

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Building Setbacks in a Heavy Industrial District (HI). The Variance Petition is to have a Front setback of 25' rather than 100' required in HI District in the Brown County Ordinances.


REVIEW: Staff has reviewed this request. The City of Aberdeen Ordinance for Industrial Park Zone (I-2) was 25' Front Setback when this platted subdivision originally went through. Structures on other lots in this subdivision are showing 25' Front Yard Setbacks. Brown County Ordinance for Heavy Industrial District (HI) requires a minimum Front Yard Setback of 100'.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: February 2, 2022
RECEIPT # 620620
TOWNSHIP: Aberdeen Twp

FEES: \$125.00
PAID: YES/NO CHK/CASH
DATE: 2/28/2022

OWNERS SIGNATURE: Foerster Testing Limited 
OWNERS ADDRESS: 4302 Schipke Lane
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-690-8419

AGENTS SIGNATURE: Cory Foerster 
AGENTS ADDRESS: 1511 Doral Drive
AGENTS CITY, STATE, ZIP: Brookings, SD 57006
AGENTS PHONE: 605-690-8419

REQUEST: Variance to Building Setbacks in a Heavy Industrial District (H-I) to have a front setback of 25' rather than 100' as required.

LEGAL DESCRIPTION: Lot 5, "D&S Business Park First Addition" in the NW1/4 of Section 9-T1243N-R63W of the 5th P.M., Brown County, South Dakota (4302 Schipke Lane; Aberdeen Twp.)

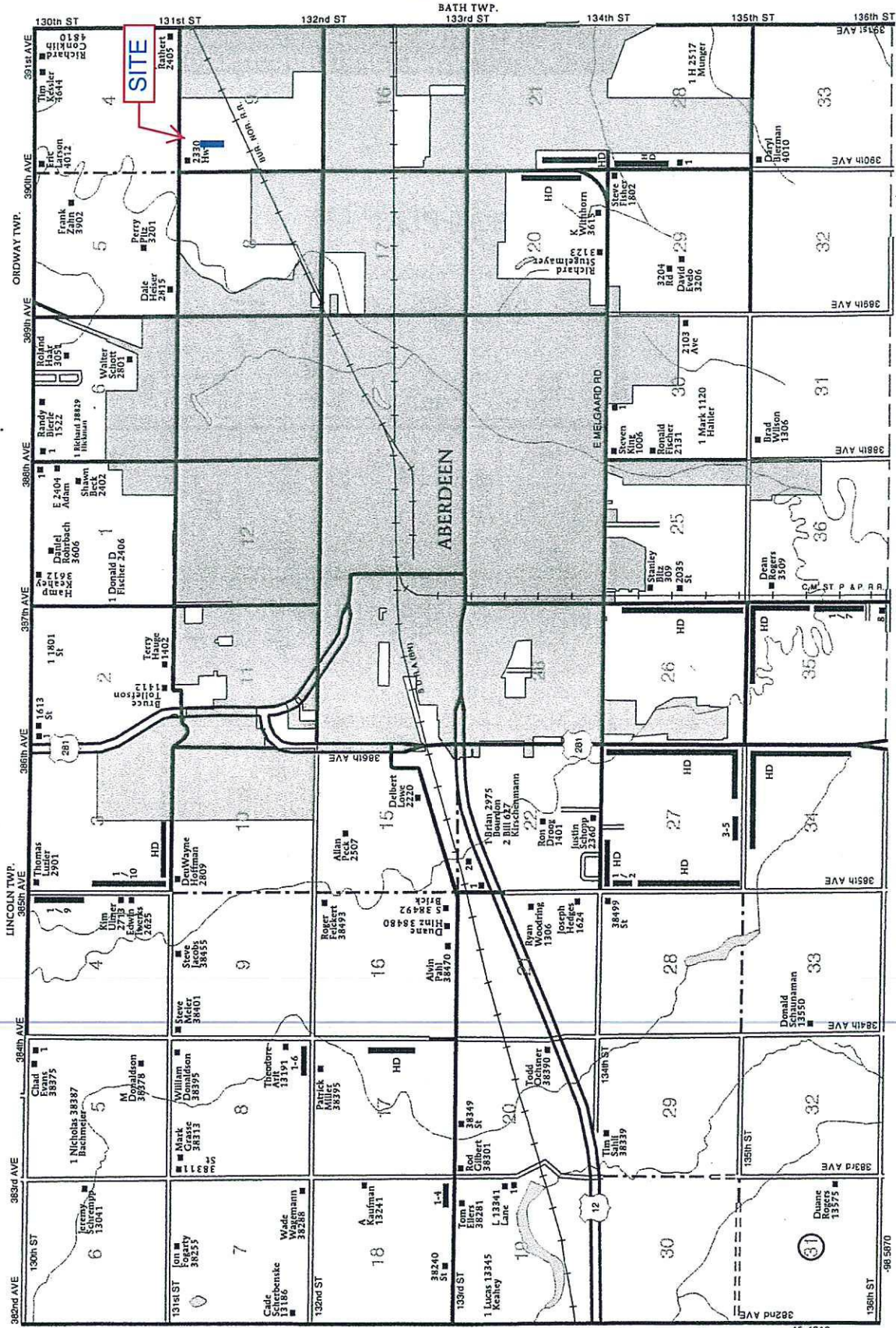
Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: March 15, 2022 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

(Residents - Owners or Renters)



SEE PAGE 134 FOR ADDITIONAL NAMES NOT LISTED ON MAP

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 Brown County Courthouse Annex in the Basement Community Meeting Room, on March 15, 2022, at 7:00 P.M.

Petitioner / Owner: Cory Foerster / Foerster Testing Limited

Description of property: Lot 5, "D&S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4302 Schipke Lane, Aberdeen, SD 57401).

Reason: Variance to Building Setbacks in a Heavy Industrial District (H-I) to be 25' front setback rather than 100' required.

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

Dated this 2nd day of March 2022

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 _____.

(Cory Foerster)

VARIANCE FINDINGS WORKSHEET

Prong One

Whether granting the variance runs counter to the public interest?

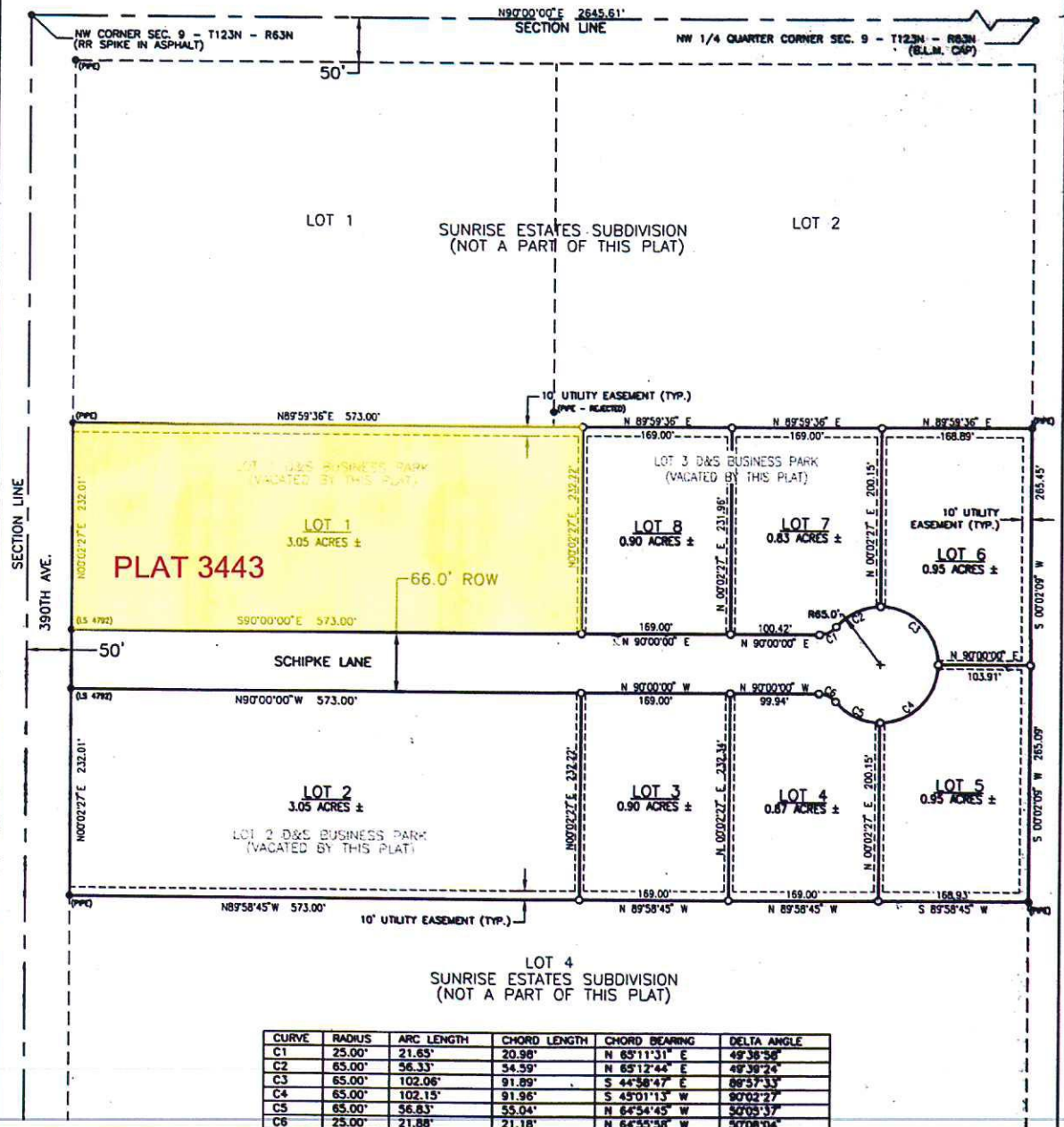
Consider the entire public—not just the neighbors	Findings		
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	This was previously in the City of Aberdeen's Zoning Jurisdiction when the subdivision was approved. Our setbacks are different than the city's
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

Prong Two

Whether special conditions exist to grant a variance?

Physical conditions—not money or econ hardship	Findings		
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It must be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	The City of Aberdeen's front setback was 25' where as the County's is 100' in our Zoning Ordinances. The City relinquished their P & Z jurisdiction to the County July 16, 2019.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does not mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

**PLAT SHOWING
D & S BUSINESS PARK FIRST ADDITION
IN THE NORTHWEST 1/4 OF SECTION 9
T123N R63W of the 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	21.65'	20.96'	N 65°11'31" E	49°38'56"
C2	65.00'	56.33'	54.59'	N 65°12'44" E	48°38'24"
C3	65.00'	102.06'	91.89'	S 44°58'47" E	86°57'33"
C4	65.00'	102.15'	91.96'	S 45°01'13" W	90°02'27"
C5	65.00'	56.83'	55.04'	N 64°54'45" W	50°05'37"
C6	25.00'	21.88'	21.18'	N 64°55'58" W	50°08'04"

BASIS OF BEARINGS
ASSUMED

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

UTILITY EASEMENT
(AS SHOWN)

NOTE: ALL INTERIOR LOT LINES HAVE A 5' UTILITY EASEMENT AS SHOWN BY DASHED LINES ON EACH SIDE.



Prepared by:

CLARK Aberdeen, SD 57401
(605) 225-3494
(605) 225-5433 fax
ENGINEERING CORPORATION

**PLAT SHOWING
D & S BUSINESS PARK FIRST ADDITION
IN THE NORTHWEST 1/4 OF SECTION 9
T123N R63W of the 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

OWNER'S CERTIFICATE

D & S INVESTMENTS, LLC., HEREBY CERTIFIES THEY ARE THE OWNERS OF LOT 3, D & S BUSINESS PARK IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT THEY HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL HEREINAFTER BE KNOWN AND DESCRIBED AS "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA." AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, WE, D & S INVESTMENTS, LLC., HEREBY VACATE SCHIPKE LANE, AND LOT 3, D & S BUSINESS PARK IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS RECORDED IN HANGING PLAT No. 2323H.

D & S INVESTMENTS, LLC. HEREBY DEDICATES SCHIPKE LANE FOR STREET PURPOSES AS SHOWN ON THE ATTACHED PLAT.

D & S INVESTMENTS, LLC. HEREBY DEDICATES FOR PERPETUAL USE BY ALL PUBLIC UTILITIES, THE UTILITY EASEMENTS AS SHOWN OR REFERENCED ON THIS PLAT.

SIGNED THIS 27 DAY OF Jan, 2009.

OWNER: D & S INVESTMENTS, LLC.

[Signature]
SIGNATURE

Darrell Humphries owner
PRINT NAME AND TITLE

COUNTY OF Brown
STATE OF South Dakota } SS

ON THIS 27 DAY OF January, 2009, BEFORE ME, A NOTARY PUBLIC, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED Darrell Humphries, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE Owner OF D & S INVESTMENTS, LLC. AND THAT HE/SHE AS SUCH Owner BEING AUTHORIZED TO DO SO, EXECUTED THE FORGOING INSTRUMENT FOR THE PROPOSED THEREIN CAPTIONED, BY SIGNING THE NAME OF THE CORPORATION BY HIMSELF/HERSELF AS Owner.



EXPIRES: October 24, 2011

[Signature]
NOTARY PUBLIC

WE, DARRELL AND KATHY HUMPHRIES, HUSBAND AND WIFE AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 2, D & S BUSINESS PARK IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL HEREINAFTER BE KNOWN AND DESCRIBED AS "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA." AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, WE, DARRELL AND KATHY HUMPHRIES, DO HEREBY VACATE SCHIPKE LANE, AND LOT 2, D & S BUSINESS PARK IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS RECORDED IN HANGING PLAT No. 2323H.

DARRELL AND KATHY HUMPHREIS, DO HEREBY DEDICATE SCHIPKE LANE FOR STREET PURPOSES AS SHOWN ON THE ATTACHED PLAT.

DARRELL AND KATHY HUMPHRIES, DO HEREBY DEDICATE FOR PERPETUAL USE BY ALL PUBLIC UTILITIES, THE UTILITY EASEMENTS AS SHOWN OR REFERENCED ON THIS PLAT.

SIGNED THIS 27 DAY OF Jan, 2009.

OWNERS:

[Signature]
DARRELL HUMPHRIES

[Signature]
KATHY HUMPHRIES

COUNTY OF Brown
STATE OF South Dakota } SS

ON THIS 27th DAY OF January, 2009, BEFORE ME, A NOTARY PUBLIC, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DARRELL AND KATHY HUMPHRIES HUSBAND AND WIFE AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, KNOWN TO ME TO BE THE PERSONS IN AND WHO EXECUTED THE WITHIN INSTRUMENT, AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.



EXPIRES: October 24, 2011

[Signature]
NOTARY PUBLIC

Prepared By:

CLARK
ENGINEERING CORPORATION
Aberdeen, SD 57401
(605) 225-3494
(605) 225-5433 fax

**PLAT SHOWING
D & S BUSINESS PARK FIRST ADDITION
IN THE NORTHWEST 1/4 OF SECTION 9
T123N R63W of the 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

OWNER'S CERTIFICATE

WE, STEWART AND CATHY SCHIPKE, HUSBAND AND WIFE AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 1, D & S BUSINESS PARK IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL HEREINAFTER BE KNOWN AND DESCRIBED AS "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, WE, STEWART AND CATHY SCHIPKE, DO HEREBY VACATE SCHIPKE LANE, AND LOT 1, D & S BUSINESS PARK IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS RECORDED IN HANGING PLAT No. 2323H.

STEWART AND CATHY SCHIPKE, DO HEREBY DEDICATE SCHIPKE LANE FOR STREET PURPOSES AS SHOWN ON THE ATTACHED PLAT.

STEWART AND CATHY SCHIPKE, DO HEREBY DEDICATE FOR PERPETUAL USE BY ALL PUBLIC UTILITIES, THE UTILITY EASEMENTS AS SHOWN OR REFERENCED ON THIS PLAT.

SIGNED THIS 26th DAY OF January, 2009.

OWNERS:

Stewart Schipke
STEWART SCHIPKE
Cathy Schipke
CATHY SCHIPKE

COUNTY OF Brown
STATE OF South Dakota



ON THIS 26th DAY OF January, 2009, BEFORE ME, A NOTARY PUBLIC, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED STEWART AND CATHY SCHIPKE, HUSBAND AND WIFE AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, KNOWN TO ME TO BE THE PERSONS IN AND WHO EXECUTED THE WITHIN INSTRUMENT, AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

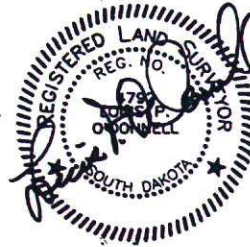
MY COMMISSION EXPIRES: July 16, 2011

Inez Grissmer
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, LOUIS P. O'DONNELL, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "D & S BUSINESS PARK FIRST ADDITION, IN THE NW1/4 SECTION 9, T123N, R63W 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 26th DAY OF January, 2009.



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 17th DAY OF Feb, 2009.

Scott Bell
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 "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 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 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 24 DAY OF Feb, 2009.

Melanie Taylor
COUNTY AUDITOR
BROWN COUNTY, SOUTH DAKOTA

"BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 SECTION 9, T123N R63W 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 CORPORATION
Aberdeen, SD 57401
(605) 225-3494
(605) 225-3433 fax

**PLAT SHOWING
D & S BUSINESS PARK FIRST ADDITION
IN THE NORTHWEST 1/4 OF SECTION 9
T123N R63W of the 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

CITY PLANNING COMMISSION APPROVAL

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA, AT A MEETING HELD ON THE 17th DAY OF February, 2009.

Karl Alberto
FINANCE OFFICER
ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 OF SECTION 9, TOWNSHIP 123 NORTH, RANGE 63 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 THEREOF."

CITY COUNCIL APPROVAL

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY COUNCIL OF ABERDEEN, SOUTH DAKOTA, AT A MEETING HELD ON THE 23rd DAY OF February, 2009.

Karl Alberto
FINANCE OFFICER
ABERDEEN, SOUTH DAKOTA

"BE IT RESOLVED BY THE CITY COUNCIL OF ABERDEEN, SOUTH DAKOTA, THAT THE PLAT SHOWING "D & S BUSINESS PARK FIRST ADDITION IN THE NW1/4 SECTION 9, T123N R63W 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.

1/27/09 Oreste Borsari As Deputy Treas
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 13 DAY OF February, 2009.

Sara Hegmann
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS' CERTIFICATE

FILED FOR RECORD THIS 10th DAY OF March, 2009, AT 9:25 O'CLOCK A.M., AND DULY RECORDED IN BOOK OF PLAT NO. 2533H ON PAGE NO. _____, THEREIN.

Carol Sherman by Kimberly Byron
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

Prepared By:

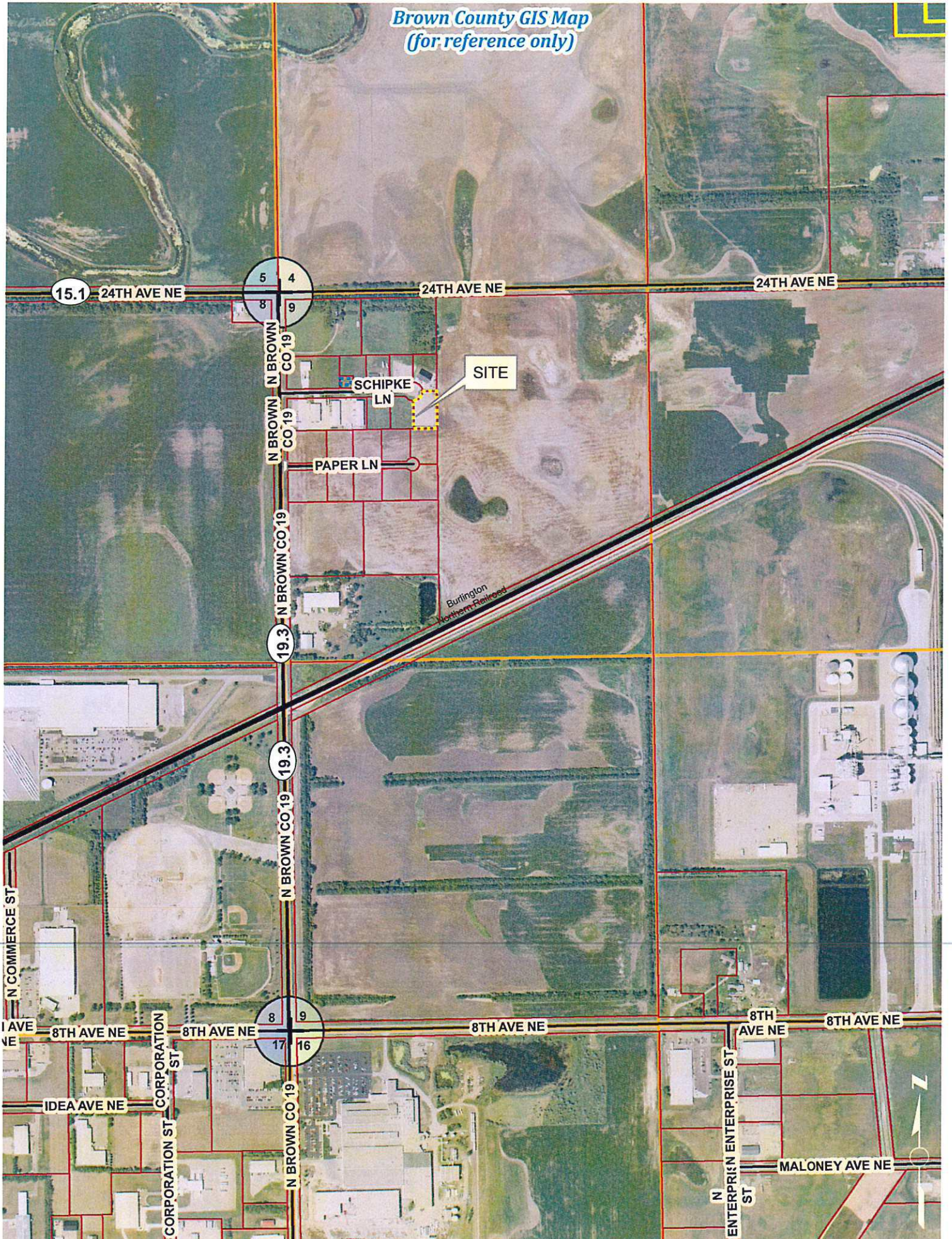
CLARK
ENGINEERING CORPORATION

2301-8th Avenue NE, Suite 125
Aberdeen, SD 57401
(605) 225-3494
(605) 225-5433 fax

A07029.005
SHEET 4 of 4

2/29/09
JURTA

*Brown County GIS Map
(for reference only)*



15.1 24TH AVE NE

24TH AVE NE

24TH AVE NE

N BROWN CO 19

SCHIPKE LN

SITE

PAPER LN

Burlington
Northern Railroad

19.3 N BROWN CO 19

19.3 N BROWN CO 19

N COMMERCE ST

8TH AVE NE

8TH AVE NE

8TH AVE NE

8TH AVE NE

8TH AVE NE

IDEA AVE NE

CORPORATION ST

ENTERPRISE ST

MALONEY AVE NE

Brown County GIS Map
(for reference only)

24TH AVE NE

5
24TH
AVE NE
8 9

19.3

N BROWN CO 19

19.3

N BROWN CO 19

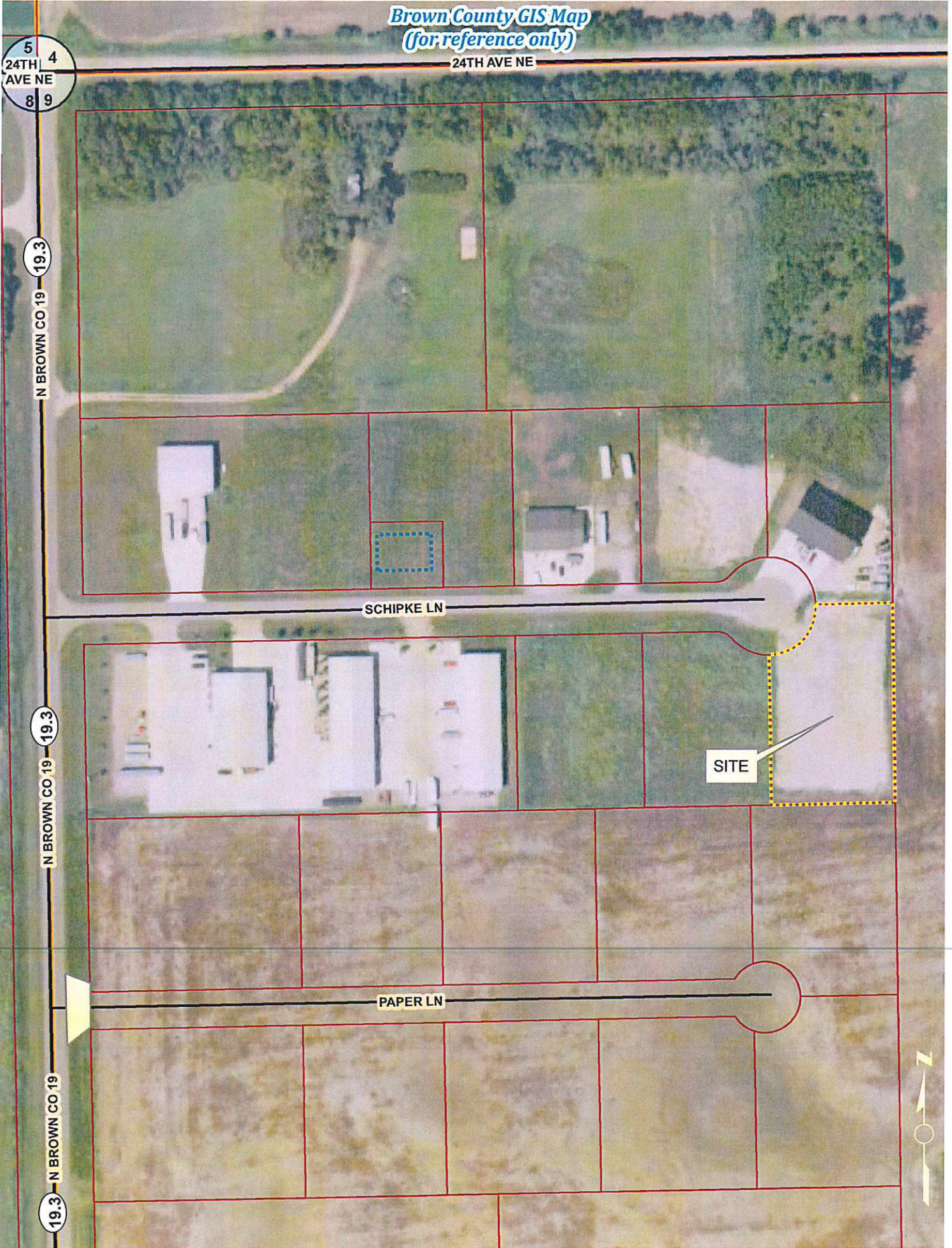
19.3

N BROWN CO 19

SCHIPKE LN

SITE

PAPER LN



Cory Foerster
1511 Doral Drive
Brookings SD 57006

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

Cory Foerster
1511 Doral Drive
Brookings SD 57006

Stewart Schipke
1225 Birchwood Lane
Aberdeen SD 57401

Kathy Humphries
38876 Hobby Drive
Aberdeen SD 57401

Clarence Habeck Jr.
4653 8th Avenue NE
Aberdeen SD 57401

Kyle & Keith Kadrmas
9969 1st Street SW
Dunn Center ND 58626

Reed Swenson
13546 395th avenue
Bath SD 57427

JJK Condo, LLC
1335 Pinewood Lane
Aberdeen SD 57401

Todd Rosebrock
1803 N Jay Street
Aberdeen SD 57401



Aberdeen News
Watertown Public Opinion

Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	Foerster Testing Lim

Date:	02/28/2022
Order Number:	6979610
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	43.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	03/02/2022 - 03/02/2022	Public Notices
ABD aberdeennews.com	1	03/02/2022 - 03/02/2022	Public Notices

Total Order Confirmation **\$17.04**

Ad Preview

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 Brown County Courthouse Annex in the Basement Community Meeting Room, on March 15, 2022, at 7:00 P.M.

Petitioner / Owner: Cory Foerster / Foerster Testing Limited

Description of property: Lot 5, "D&S Business Park First Addition" in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4302 Schipke Lane, Aberdeen, SD 57401).

Reason: Variance to Building Setbacks in a Heavy Industrial District (H-I) to be 25' front setback rather than 100' required.

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

Dated this 2nd day of March 2022

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 \$17.04

March 2, 2022 6979610

STAFF REPORT

March 15, 2022

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

Variance request for Lot Size

ITEM # 05

GENERAL INFORMATION:

PETITIONER: Jeff Howard

REQUEST: **Variance request for Lot Size in an Agriculture Preservation District (AG-P).**

LEGAL DESCRIPTION: Proposed Lot I, "Jeff Howard First Addition" in the SW1/4 of Section 32-T124N-R60W of the 5th P.M., Brown County, South Dakota.

TOWNSHIP: Riverside Twp.

LOCATION: 12982 407th Avenue

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: Ron Keller

GENERAL COMMENT: The petitioner is requesting a Variance to Lot Size for proposed Lot I to be 4.89 acres rather than a minimum 40.0 acre parcel in an AG-P District per Chapter 4.0605 of Brown County Zoning Ordinances.

REVIEW: Staff has reviewed this request. A variance to lot size would meet the intent of Chapter 4.0605 as a family member in the "Farm Unit".

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: February 15, 2022
RECEIPT # 620615
TOWNSHIP: Riverside Twp

FEES: \$125.00
PAID: YES/NO CHK/CASH
DATE: February 25, 2022

OWNERS SIGNATURE: Robert Howard *Robert Jay Howard*
OWNERS ADDRESS: 714 N Main St
OWNERS CITY, STATE, ZIP: Groton, SD 57445
OWNERS PHONE: 605-380-3547

AGENTS SIGNATURE: Jeff Howard
AGENTS ADDRESS: 40829 131st St
AGENTS CITY, STATE, ZIP: Groton, SD 57445
AGENTS PHONE: 605-216-2525

REQUEST: Variance to Lot Size to allow a parcel to be smaller than 40.0 acres and stay zoned as AG-P District per Chapter 4.0605 of Zoning Ordinances.

LEGAL DESCRIPTION: Proposed Lot 1, "Jeff Howard First Addition" in the SW1/4 of Section 32-T124N-R60W of the 5th P.M., Brown County, South Dakota (12982 407th Avenue; Riverside Twp.)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: March 15, 2022 **TIME:** 7:00 p.m.

Who Reads Farm & Home Plat & Directory

Over 1 Million People In
Over 500 Counties In 11 States...



For further information call or write
FARM & HOME PUBLISHERS, LTD.

P.O. BOX 305 BELMONT, IOWA 50421 PHONE: 641-444-3508 FAX: 641-444-5150 WATS: 800-685-7432
www.farmandhomepublishers.com E-mail: info@farmandhomepublishers.com

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that's who!!!

FARM & HOME PUBLISHERS

SINCE 1981
or contact your sales representative

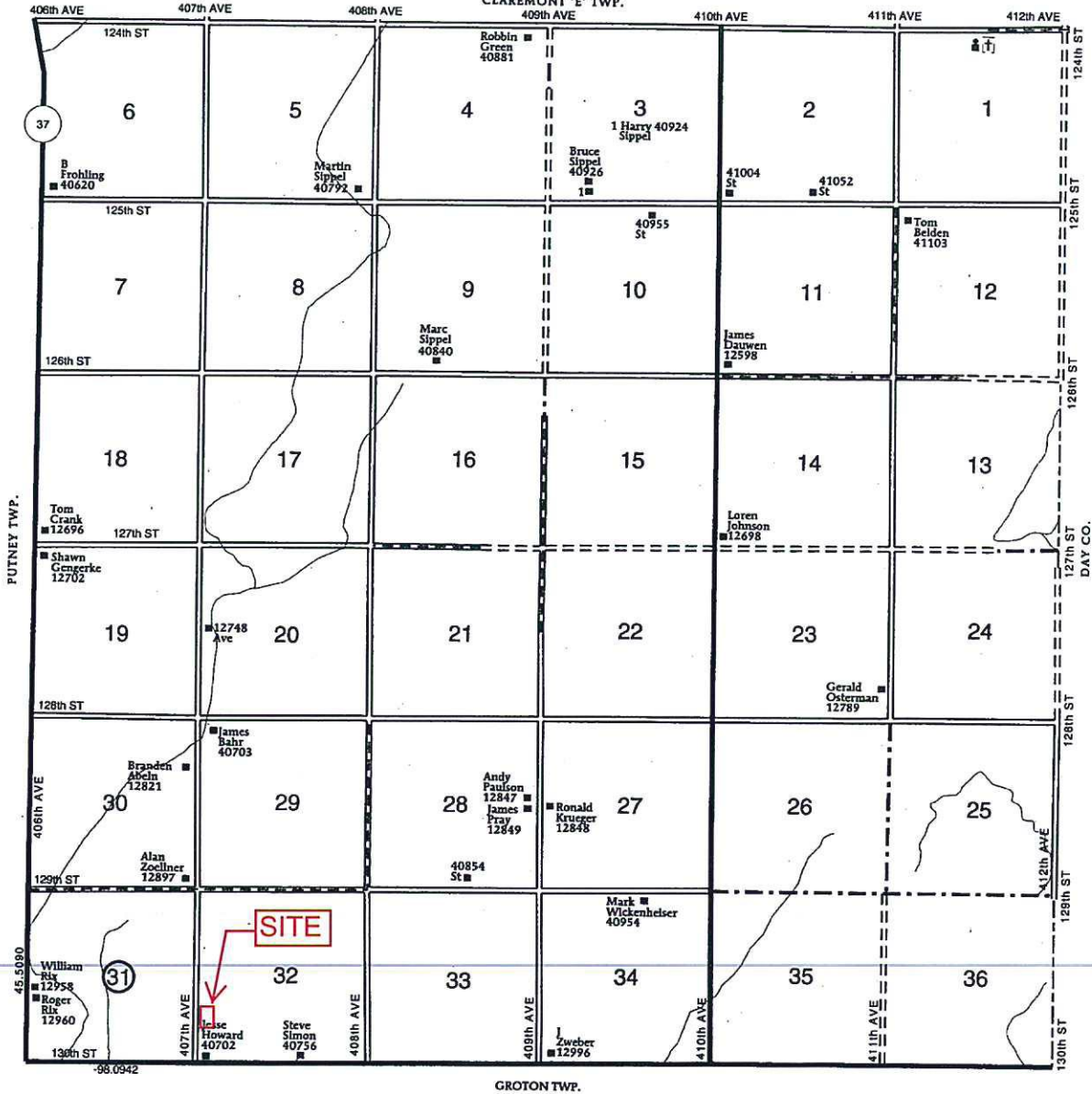
T-124-N

RIVERSIDE DIRECTORY

R-60-W

(Residents - Owners or Renters)

CLAREMONT 'E' TWP.



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Courthouse Annex, basement Community Meeting Room, on March 15, 2022 at 7:00 P.M.

Petitioner: Jeff Howard

Description of property: Proposed Lot 1, "Jeff Howard First Addition" in the SW1/4 of Section 32-T124N-R60W of the 5th P.M., Brown County, South Dakota (12982 407th Avenue; Riverside Twp).

Reason: Variance to Lot Size for a parcel to be smaller than 40.0 acre parcels in AG-P District and stay zoned as AG-P District per 4.0605 of Brown County Ordinances.

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

Dated this 2nd day of March 2022

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 _____.

(Jeff Howard)

VARIANCE FINDINGS WORKSHEET

Prong One

Whether granting the variance runs counter to the public interest?

Consider the entire public— <i>not</i> just the neighbors	Findings		
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

Prong Two

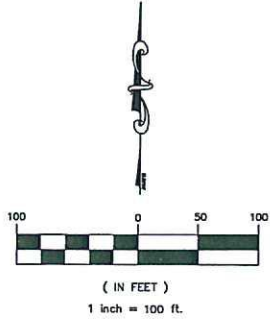
Whether special conditions exist to grant a variance?

Physical conditions— <i>not</i> money or econ hardship	Findings		
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It must be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does not mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

PLAT OF JEFF HOWARD FIRST ADDITION IN THE SW 1/4 OF SECTION 32 T124N-R60W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

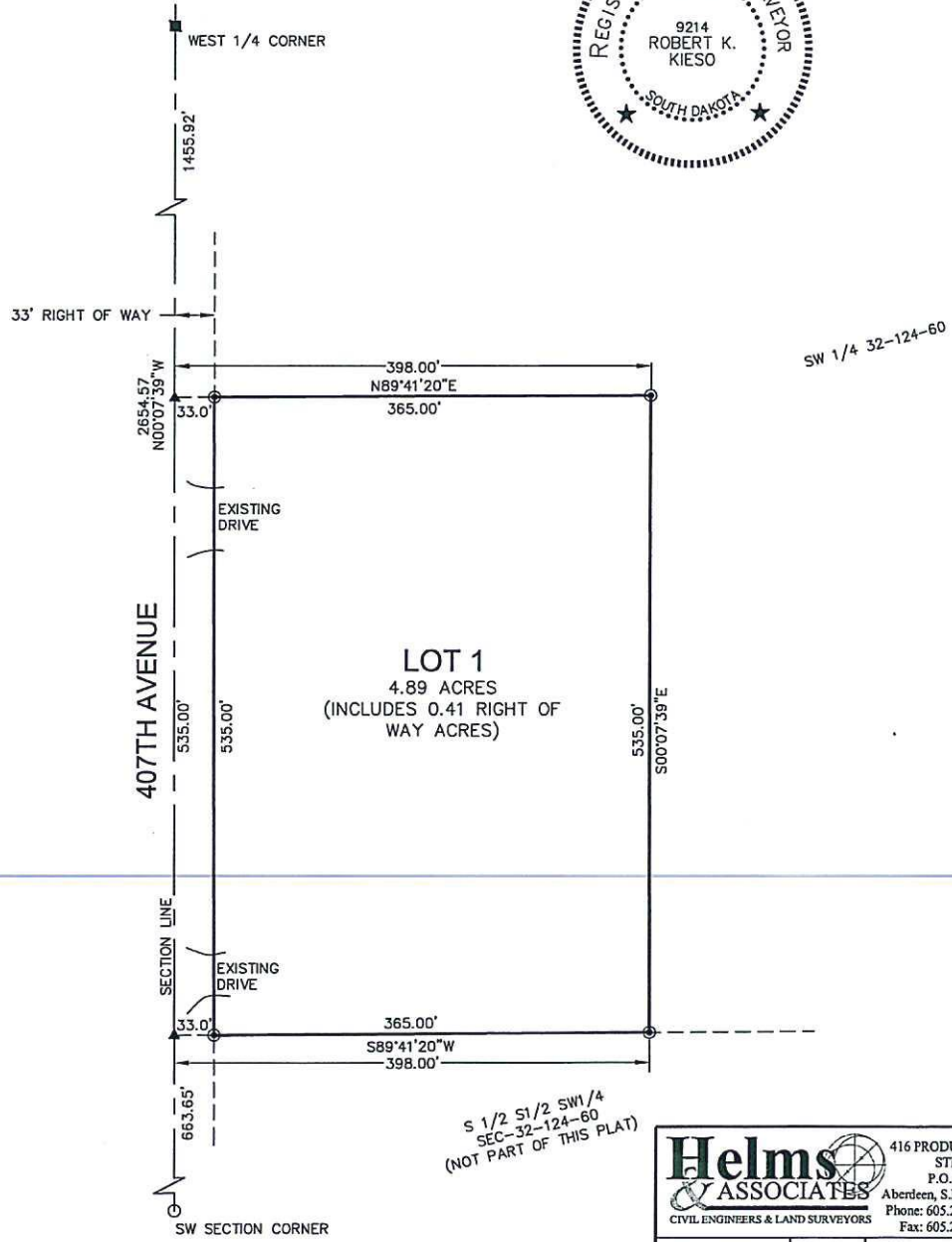
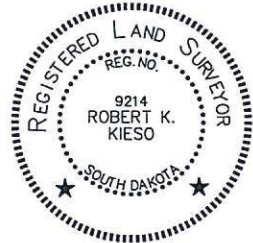
LEGEND

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



BASIS OF BEARINGS

GPS OBSERVATION



Helms & Associates
CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION STREET N.
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

PLAT OF
JEFF HOWARD FIRST ADDITION
IN THE SW 1/4 OF SECTION 32 T124N-R60W 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 ROBERT JAY HOWARD AND ROSE MARY HOWARD HUSBAND AND WIFE, AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JANUARY 31, 2022, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS; JEFF HOWARD FIRST ADDITION IN THE SW 1/4 OF SECTION 32 T124N-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____.

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 OWNER 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; JEFF HOWARD FIRST ADDITION IN THE SW 1/4 OF SECTION 32 T124N-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 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: SW 1/4 OF SECTION 32 T124N R60W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, EXCEPT THE S 1/2 S 1/2 SW 1/4 OF SECTION 32 T124N R60W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA.

ROBERT JAY HOWARD

ROSE MARY HOWARD

ACKNOWLEDGEMENT

STATE OF)
COUNTY OF)SS

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ROBERT JAY HOWARD AND ROSE MARY HOWARD 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

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 JEFF HOWARD FIRST ADDITION IN THE SW 1/4 OF SECTION 32 T124N-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 JEFF HOWARD FIRST ADDITION IN THE SW 1/4 OF SECTION 32 T124N-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

PLAT OF
JEFF HOWARD FIRST ADDITION
IN THE SW 1/4 OF SECTION 32 T124N-R60W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTY 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





Robert Howard
714 N Main
Groton SD 57445

Jeff Howard
40829 131st Street
Groton SD 57445

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

Derrill J Mahan Family Trust
PO Box 387
Groton SD 57445

Jesse Howard
40702 130th Street
Groton SD 57445

Steve Simon Living Trust
40756 130th Street
Groton SD 57445

Groton Auto & Tractor Co
PO Box 647
Groton SD 57445



Aberdeen News
Watertown Public Opinion

Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	

Date:	02/28/2022
Order Number:	6979651
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	43.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	03/02/2022 - 03/02/2022	Public Notices
ABD aberdeennews.com	1	03/02/2022 - 03/02/2022	Public Notices

Total Order Confirmation \$17.04

Ad Preview

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 March 15, 2022 at 7:00 P.M.

Petitioner: Jeff Howard

Description of property: Proposed Lot 1, "Jeff Howard First Addition" in the SW1/4 of Section 32-T124N-R60W of the 5th P.M., Brown County, South Dakota (12982 407th Avenue; Riverside Twp).

Reason: Variance to Lot Size for a parcel to be smaller than 40.0 acre parcels in AG-P District and stay zoned as AG-P District per 4.0605 of Brown County Ordinances.

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

Dated this 2nd day of March 2022

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 \$17.04

March 2, 2022 6979651

STAFF REPORT

March 15, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

Rezone Parcel from AG-P to M-AG District

ITEM # 10

GENERAL INFORMATION:

PETITIONER:	Troy Schaffer
REQUEST:	Rezone Parcel: AG-P to M-AG District
LEGAL DESCRIPTION:	Lot 3, "Feickert's Second Subdivision" in the SE1/4 of Section 20-T124N-R64W of the 5 th P.M., Brown County, South Dakota
LOCATION:	12769 384 th Avenue
TOWNSHIP:	Lincoln Twp
EXISTING ZONING	Agricultural Preservation District (AG-P)
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)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this rezone to bring this parcel into compliance for its current use.

GENERAL REVIEW: Staff recommends approval. This parcel is less than 40.0 acres and needs to be rezoned to Mini Agriculture District (M-AG) to be brought into compliance to issue any permits.

NOTICE OF HEARING

A *PETITION to REZONE* has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the basement of the Courthouse Annex Community Room, on March 15, 2022, at 7:00 p.m.

Owner & Petitioner: Troy Schaffer

Description of property: Lot 3, "Feickert's Second Subdivision" in the SE1/4 of Section 20-T124N-R64W of the 5th P.M., Brown County, South Dakota (12769 384th Avenue; Lincoln Twp).

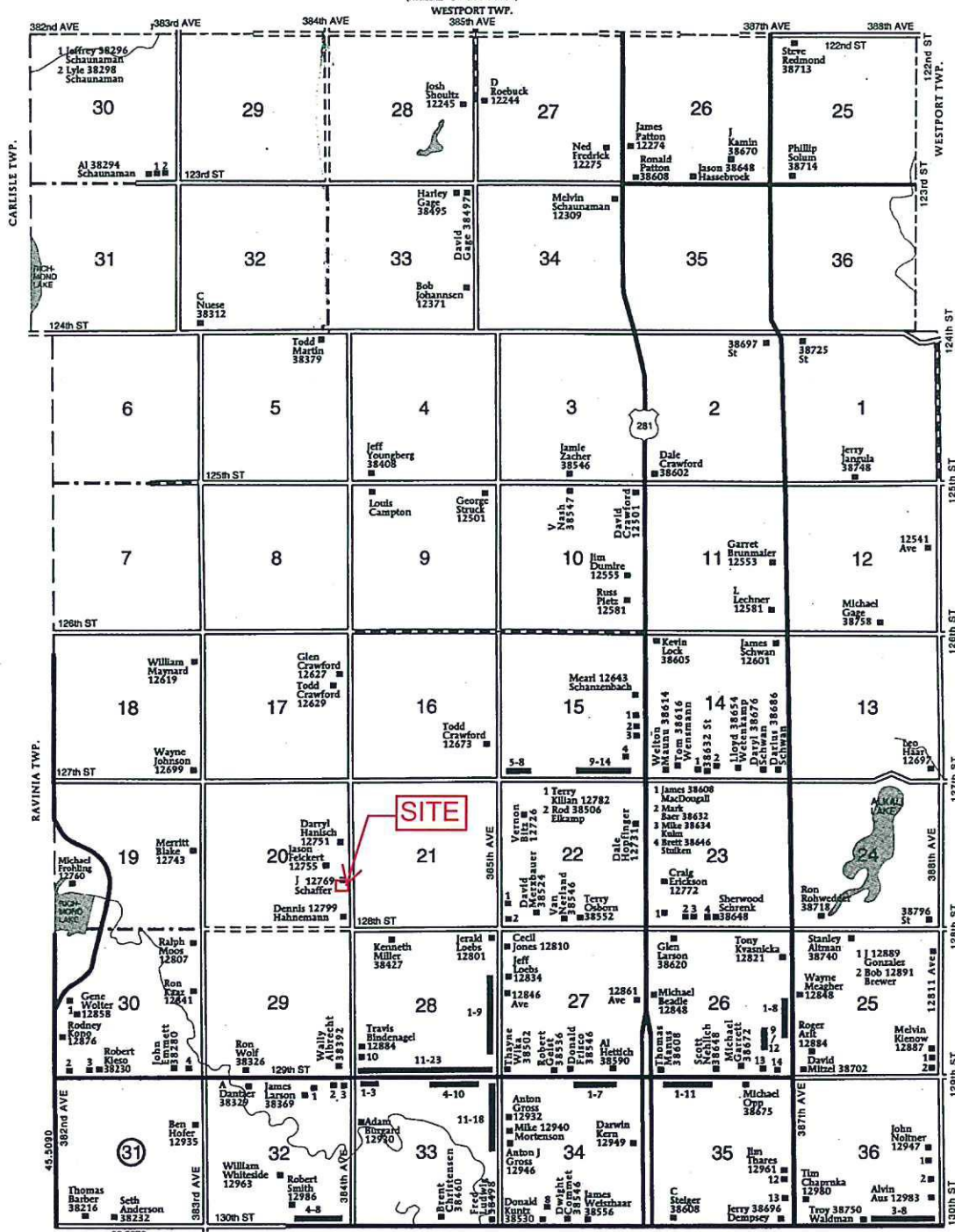
Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this property into compliance for its current use.

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

Dated this 2nd day of March 2022

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 _____.



LINCOLN TOWNSHIP

SECTION 14

- 1 Adams, John 38630
- 2 Mount, Bill 38634

SECTION 15

- 1 Schaunaman, Chad 12657
- 2 Berg, Tom 12663
- 3 Heath, Pat 12667
- 4 Kiesz, Marvin 12685
- 5 Huetli, Roger 38502
- 6 Klapperich, Ed 38504
- 7 Frohling, Leslie 38512
- 8 Moore, Joe 38518
- 9 Williams, Eugene 38552
- 10 Black, Casey 38556
- 11 Mitzel, Michael 38560
- 12 Malsam, Adam 38570
- 13 Nelson, Mark 38574
- 14 Roso, R 38576

SECTION 26S

- 1 Wetenkamp, Lloyd D 12847
 - 2 Hedges, Kendall 12849
 - 3 Labay, Richard 12851
 - 4 Kolb, Myron 12855
 - 5 12857
 - 6 Wacholz, B 12861
 - 7 Simonson, Lee 12869
 - 8 Rychlik, Jerald 12875
 - 9 Keller, Mike 12862
 - 10 Stein, Craig 12866
 - 11 Hedge, Duane 12870
 - 12 Call, Ty 12874
 - 13 Wahl, Merle 38686
 - 14 Punt, Lawayne 38690
- SECTION 28S**
- 1 Drageset, Jamie 12833
 - 2 Adolf, Gregory 12839
 - 3 Hoeltzner, Curtis 12843
 - 4 Wilkie, Chad 12845
 - 5 Carlson, Cartor 12853

SECTION 30S

- 6 Vining, Brad 12861
 - 7 Aman, Dwight 12871
 - 8 Kotzea, D 12881
 - 9 Nordstrom, Allen 12891
 - 10 Hauge, Chad 12888
 - 11 Bitz, Marvin 38404
 - 12 Gab, Dale 38406
 - 13 Bitz, Sheldon 38412
 - 14 Hamrich, Marc 38414
 - 15 Bellikka, Nell 38424
 - 16 Nelber, Danny 38434
 - 17 Jakober, Glen 38452
 - 18 Buechler, Todd 38460
 - 19 Siefken, Lon 38464
 - 20 Habeck, F 38474
 - 21 Kamm, Casey 38478
 - 22 Whitney, Charles 38484
 - 23 Peterson, Kenneth 38488
- SECTION 30S**
- 1 Podoll, M 12852
 - 2 Schlagel, Gene 38206

SECTION 32S

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

SECTION 34S

- 1 Hartung, John 38549
 - 2 Shilman, Larry 38557
 - 3 Tarrell, Ron 38559
 - 4 Odde, N 38563
 - 5 Volzke, Randy 38587
 - 6 Malsam, Melvin 38589
 - 7 Igo, Loren 38591
 - 8 Ritter, Loren 38534
- SECTION 35S**
- 1 Fordham, Donald 38621

SECTION 36S

- 2 Luitjens, Mark 38631
 - 3 Hollan, Ray 38635
 - 4 Hendrickson, J 38649
 - 5 Anlicker, Alvin 38655
 - 6 Malsam, Joe 38629
 - 7 Hanley, Tom 38630
 - 8 Fix, Jeffrey 38637
 - 9 Binder, Brandon 38643
 - 10 Mercer, V 12911
 - 11 Tchida, Mervin 12914
 - 12 Thares, Clark 12969
 - 13 Diede, James 12979
- SECTION 36S**
- 1 Dalager, John 12953
 - 2 Hinds, Bill 12971
 - 3 Waldman, Clarence 38756
 - 4 Waldman, Galen 38762
 - 5 Pence, Bryan 38766
 - 6 Cowan, Richard 38770
 - 7 Lonning, Stuart 38782
 - 8 Bock, Jeff 38792

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: 2-18-2022
Receipt: 620613
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 3, "Feickert's Second Subdivision" in the SE1/4 of Section 20-T124N-R64W
of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 12769 384th AVE ABERDEEN, SD
From the AGRICULTURAL District
To the MINI-AGRICULTURAL District

Purpose: REZONE TO MINI-AG TO DO ADDITION & REMODEL
Size of Parcel: 2.5 ACRES
Existing Land Use: RESIDENTIAL

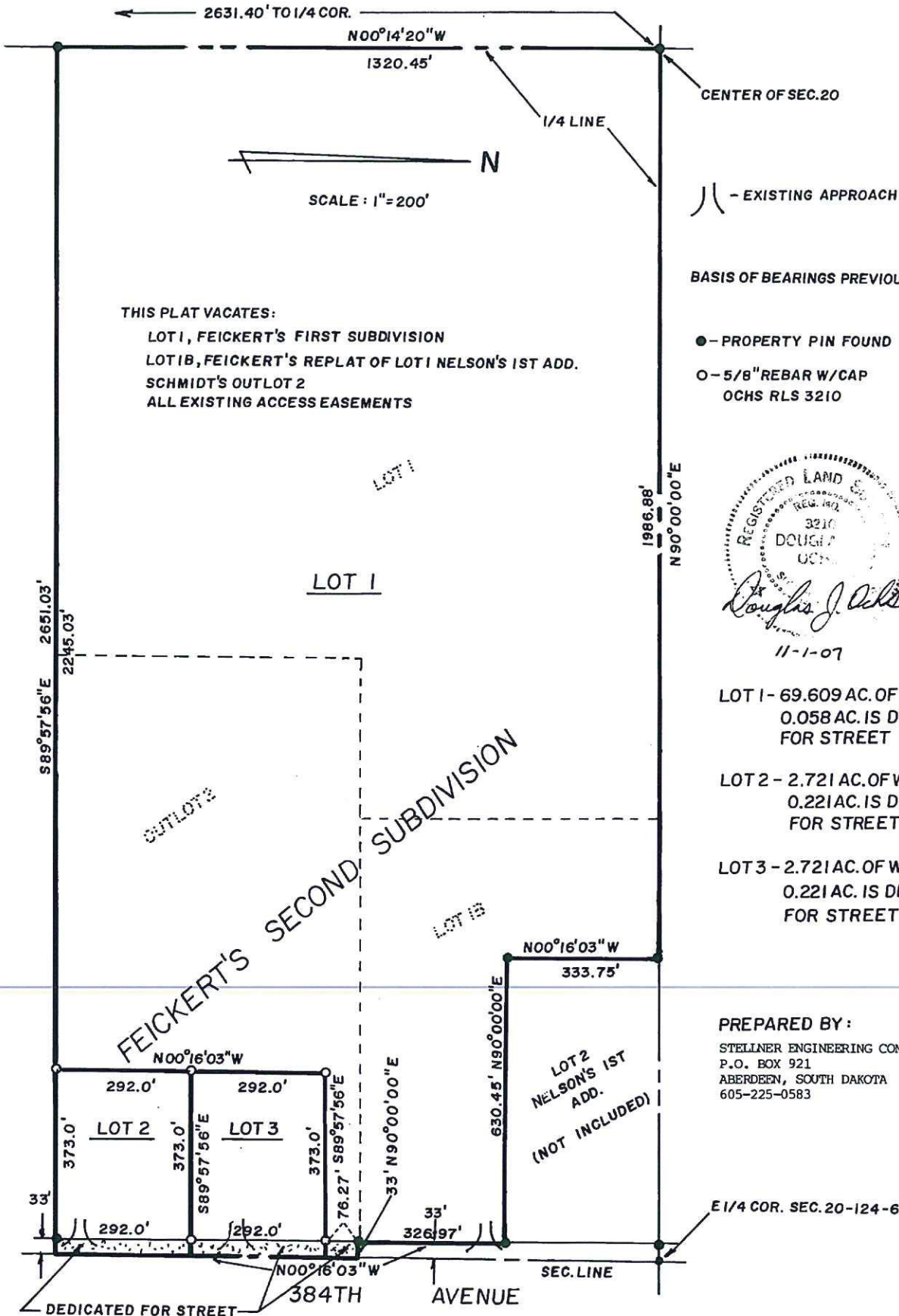
Petitioner: (Print) TROY SCHAFFER
Signature: [Signature]
Date: 2/18/22 Phone: 605-380-3332
Address: 12769 384th AVE
ABERDEEN SD 57401
City State Zip

Owner: (Print) LORRAINE PAHL
Signature: [Signature]
Date: 2-18-22 Phone: 701-349-4388
Address: 9252 101ST STREET SE
ELLENDALE ND 58436
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT SHOWING

FEICKERT'S SECOND SUBDIVISION IN THE SE 1/4 OF SEC. 20,
T.124 N., R.64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH
DAKOTA



THIS PLAT VACATES:
 LOT 1, FEICKERT'S FIRST SUBDIVISION
 LOT 1B, FEICKERT'S REPLAT OF LOT 1 NELSON'S 1ST ADD.
 SCHMIDT'S OUTLOT 2
 ALL EXISTING ACCESS EASEMENTS

— EXISTING APPROACH

BASIS OF BEARINGS PREVIOUS PLAT

● - PROPERTY PIN FOUND

○ - 5/8" REBAR W/CAP
 OCHS RLS 3210



11-1-07

LOT 1 - 69.609 AC. OF WHICH
 0.058 AC. IS DED.
 FOR STREET

LOT 2 - 2.721 AC. OF WHICH
 0.221 AC. IS DED.
 FOR STREET

LOT 3 - 2.721 AC. OF WHICH
 0.221 AC. IS DED.
 FOR STREET

PREPARED BY:

STELINER ENGINEERING COMPANY
 P.O. BOX 921
 ABERDEEN, SOUTH DAKOTA 57402
 605-225-0583

#646

CERTIFICATES FOR - "FEICKERT'S SECOND SUBDIVISION IN THE SE¼ OF SEC. 20, T. 124 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA."

OWNER'S CERTIFICATE

WE, JASON P. AND KRISTEN C. FEICKERT, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 1, FEICKERT'S FIRST SUB-DIVISION; LOT 1B, FEICKERT'S REPLAT OF LOT 1, NELSON'S 1ST ADDITION AND SCHMIDT'S O.L. 2 IN SEC. 20, T. 124 N., R. 64 W. OF THE 5TH P.M., BROWN CO., SOUTH DAKOTA AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL HEREAFTER BE KNOWN AND DESCRIBED AS "FEICKERT'S SECOND SUBDIVISION IN THE SE¼ OF SEC. 20, T. 124 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," CONTAINING 75.052 ACRES, MORE OR LESS. WE DO HEREBY DEDICATE THE 33 FEET SHOWN TO THE PUBLIC USE FOREVER FOR STREET PURPOSES. WE DO FURTHER CERTIFY THAT THE DEVELOPMENT OF THE LAND INCLUDED IN THIS PLAT SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

SIGNED THIS 7th DAY OF NOVEMBER, 2007.

Jason Feickert
OWNER - JASON P. FEICKERT
Kristen C. Feickert
OWNER - KRISTEN C. FEICKERT

SIGNED THIS 7th DAY OF NOVEMBER, 2007.

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN) ss

ON THIS 7th DAY OF NOVEMBER, 2007, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED JASON P. AND KRISTEN C. FEICKERT, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY OFFICIAL HAND AND SEAL.

MY COMMISSION EXPIRES:

Shelly Rush
NOTARY PUBLIC, BROWN COUNTY, SOUTH DAKOTA
The Commission Expires January 1st, 2011

SURVEYOR'S CERTIFICATE

I, DOUGLAS J. OCHS, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "FEICKERT'S SECOND SUBDIVISION IN THE SE¼ OF SEC. 20, T. 124 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," AND THAT I HAVE SET IRON MONUMENTS AS DENOTED HEREON AND THAT SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNED THIS 1ST DAY OF NOVEMBER, 2007.

Douglas J. Ochs
REGISTERED LAND SURVEYOR #3210

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE 27 DAY OF November, 2007.

Melvin Taylor
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

"BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "FEICKERT'S SECOND SUBDIVISION IN THE SE¼ OF SEC. 20, T. 124 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY PLAN COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLAN COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE 20th DAY OF Nov, 2007.

Stacy Blum
SECRETARY, BROWN COUNTY PLAN COMMISSION

"BE IT RESOLVED BY THE COUNTY PLAN COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING "FEICKERT'S SECOND SUBDIVISION IN THE SE¼ OF SEC. 20, T. 124 N., R. 64 W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA," HAVING BEEN EXAMINED IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL OF 1967, CHAPTER 11-6, AND ANY AMENDMENTS THEREOF."

TREASURER'S CERTIFICATE

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

SIGNED THIS 5th DAY OF November, 2007.

Deane Borchal
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION'S CERTIFICATE

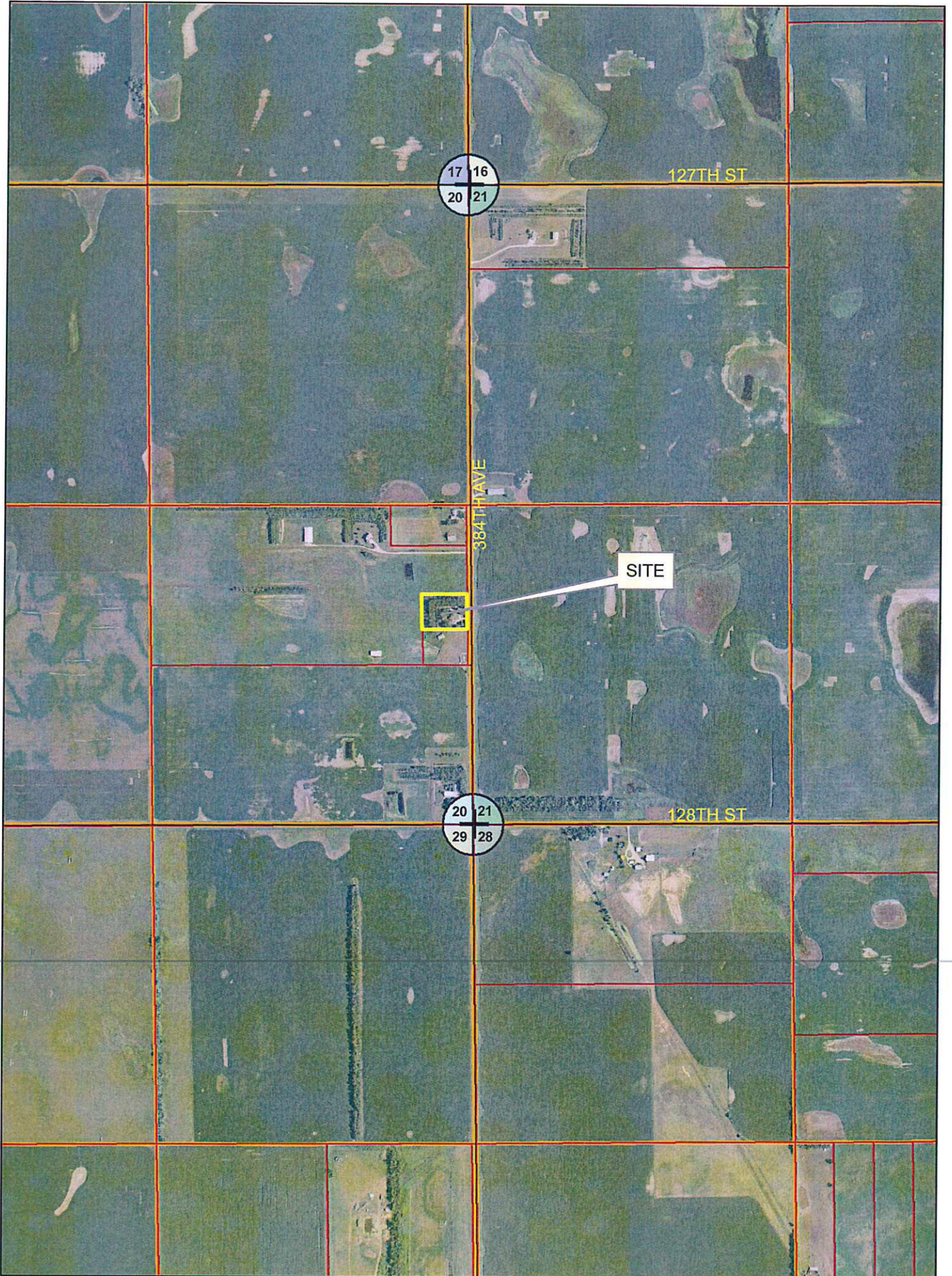
I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT THIS 10 DAY OF November, 2007.

Mary E. Worlie
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SD

REGISTER OF DEEDS' CERTIFICATE

FILED FOR RECORD THIS 28 DAY OF November, 2007, AT 10:00 O'CLOCK A.M., AND DULY RECORDED IN HANGING PLAT FILE 2388 H.

Carol Sherman
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA





Lorraine Pahl
9252 101st Street SE
Ellendale ND 58436

Troy Schaffer
12769 384th Avenue
Aberdeen SD 57401

Lincoln Township
C/O Bruce Schumacher
12884 384th Avenue
Aberdeen SD 57401

Jason Feickert
12769 384th Avenue
Aberdeen SD 57401

Darryl Hanisch
12751 384th Avenue
Aberdeen SD 57401

Merxbauer Farms LLC
38524 128th Street
Aberdeen SD 57401



Aberdeen News
Watertown Public Opinion

Order Confirmation

Not an Invoice

Account Number:	556235
Customer Name:	Brown County Auditor-Legals
Customer Address:	Brown County Auditor-Legals 25 Market St ABERDEEN SD 57401-4227
Contact Name:	Brown County Auditor-Legals
Contact Phone:	6056267110
Contact Email:	
PO Number:	

Date:	02/28/2022
Order Number:	6979700
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	55.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	03/02/2022 - 03/02/2022	Public Notices
ABD aberdeennews.com	1	03/02/2022 - 03/02/2022	Public Notices

Total Order Confirmation | **\$20.40**

Ad Preview

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the basement of the Courthouse Annex Community Room, on March 15, 2022, at 7:00 p.m.

Owner & Petitioner: Troy Schaffer

Description of property: Lot 3, "Feickert's Second Subdivision" in the SE1/4 of Section 20-T124N-R64W of the 5th P.M., Brown County, South Dakota (12769 384th Avenue; Lincoln Twp).

Reason: Rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this property into compliance for its current use.

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

Dated this 2nd day of March 2022

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 \$20.40

March 2, 2022 6979700

STAFF REPORT

March 15, 2022

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM # 11

GENERAL INFORMATION:

PETITIONER:	Larry and Sharon M. Stroschein Family, LP
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"A Mitchell Addition" in the SE1/4 of Section 7-T121N-R65W of the 5 th P.M., Brown County, South Dakota.
TOWNSHIP:	New Hope Twp
LOCATION:	37356 & 37380 144 th Street, Mansfield, SD
EXISTING ZONING	Agricultural Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agricultural Preservation District (AG-P)
South:	Agricultural Preservation District (AG-P)
East:	Agricultural Preservation District (AG-P)
West:	Agricultural Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water

REPORTED BY: Scott Bader

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for conveyance purposes. There has been a Variance Petition for smaller lot sizes on both lots in an AG-P District.

GENERAL REVIEW: Staff recommends approval with the stipulation that the Variance Petition has been approved.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME "A Mitchell Addition"

QUARTER: SE SECTION: 7 TOWNSHIP: 121 RANGE: 65

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

OWNERS NAMES: Larry and Sharon M. Stroschein LP

OWNERS NAMES: _____

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Zachary Remily, Assurance Land Surveying

TYPE: PRELIMINARY _____ FINAL _____ BOTH X

FEE: \$100.00 TOTAL: \$100.00 DATE PAID: 1 /31 /2022

RECEIVED BY PLANNING DEPARTMENT: 1 / 31 /2022 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE X 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 X

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: X 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: January 31, 2022
RECEIPT # 620611
TOWNSHIP: New Hope

FEES: 100.⁰⁰
PAID: YES/NO CHR/CASH
DATE: 1/31/2022

OWNERS SIGNATURE: Larry & Sharon M. Stroschein * *Larry Stroschein*
OWNERS ADDRESS: 37302 143rd Street *Larry Stroschein*
OWNERS CITY, STATE, ZIP: Mansfield, SD 57460
OWNERS PHONE: 605-225-6115 (H) 605-228-2484 (Larry-cell)

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

REQUEST: Preliminary and Final Plat

LEGAL DESCRIPTION: Lot 1, "A Mitchell Addition", in the SE1/4 of Section 7-
T121N-R65W, of the 5th P.M., Brown County, South Dakota

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: March 15, 2022 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

Storing Perishable Foods

Follow these guidelines for storing perishable foods in the refrigerator or freezer.

- Raw meat and poultry should be wrapped securely so juices do not leak and contaminate other foods or surfaces. It's best to leave meat and poultry in the store wrapping unless the wrap is torn. Use plastic bags over commercial packaging. Store on bottom shelf to prevent dripping.
- Eggs should be stored in their carton in the refrigerator, not in the door.
- Arrange items in the refrigerator or freezer to allow air to circulate freely.

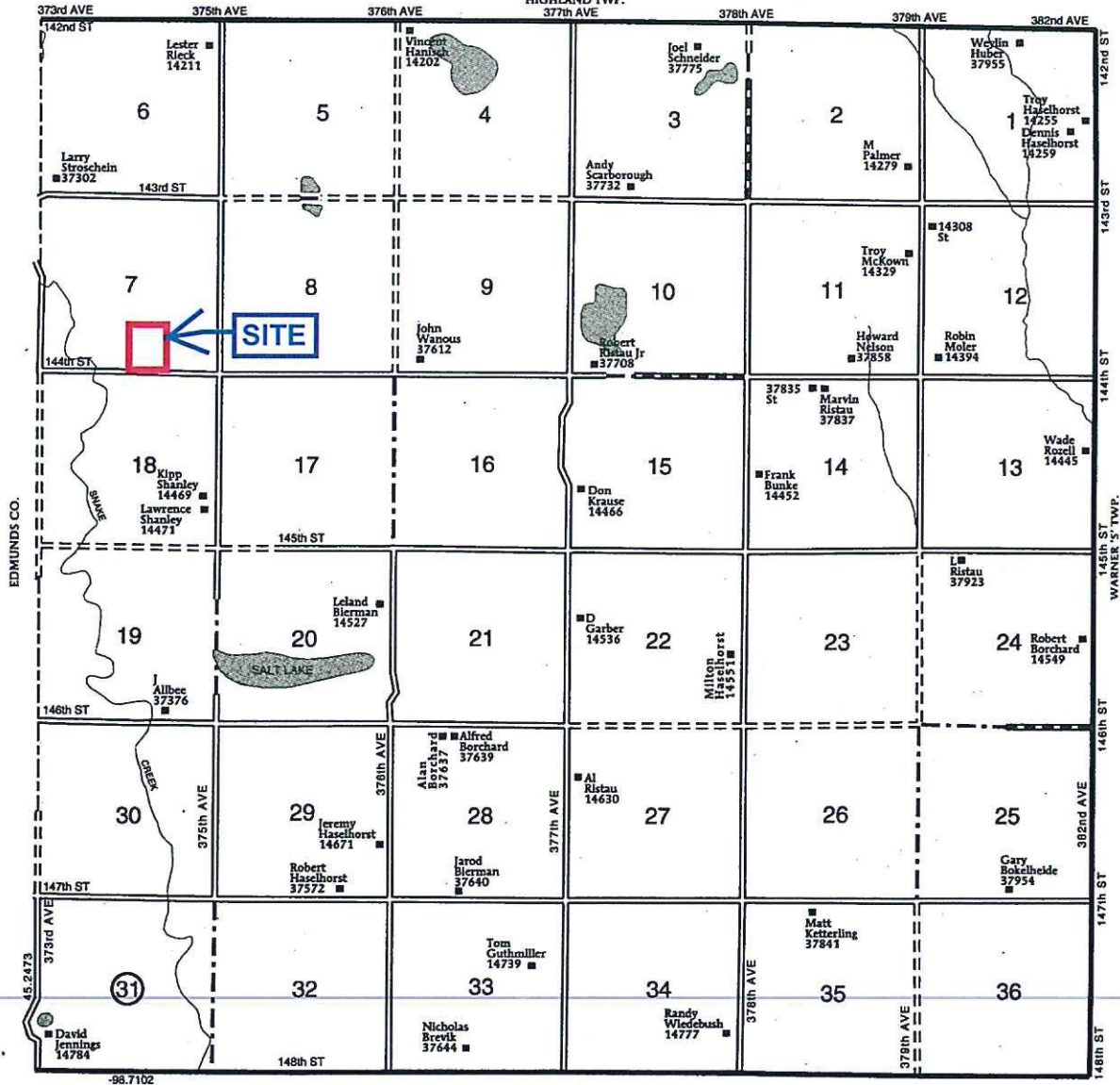
T-121-N

NEW HOPE DIRECTORY

R-65-W

(Residents - Owners or Renters)

HIGHLAND TWP.

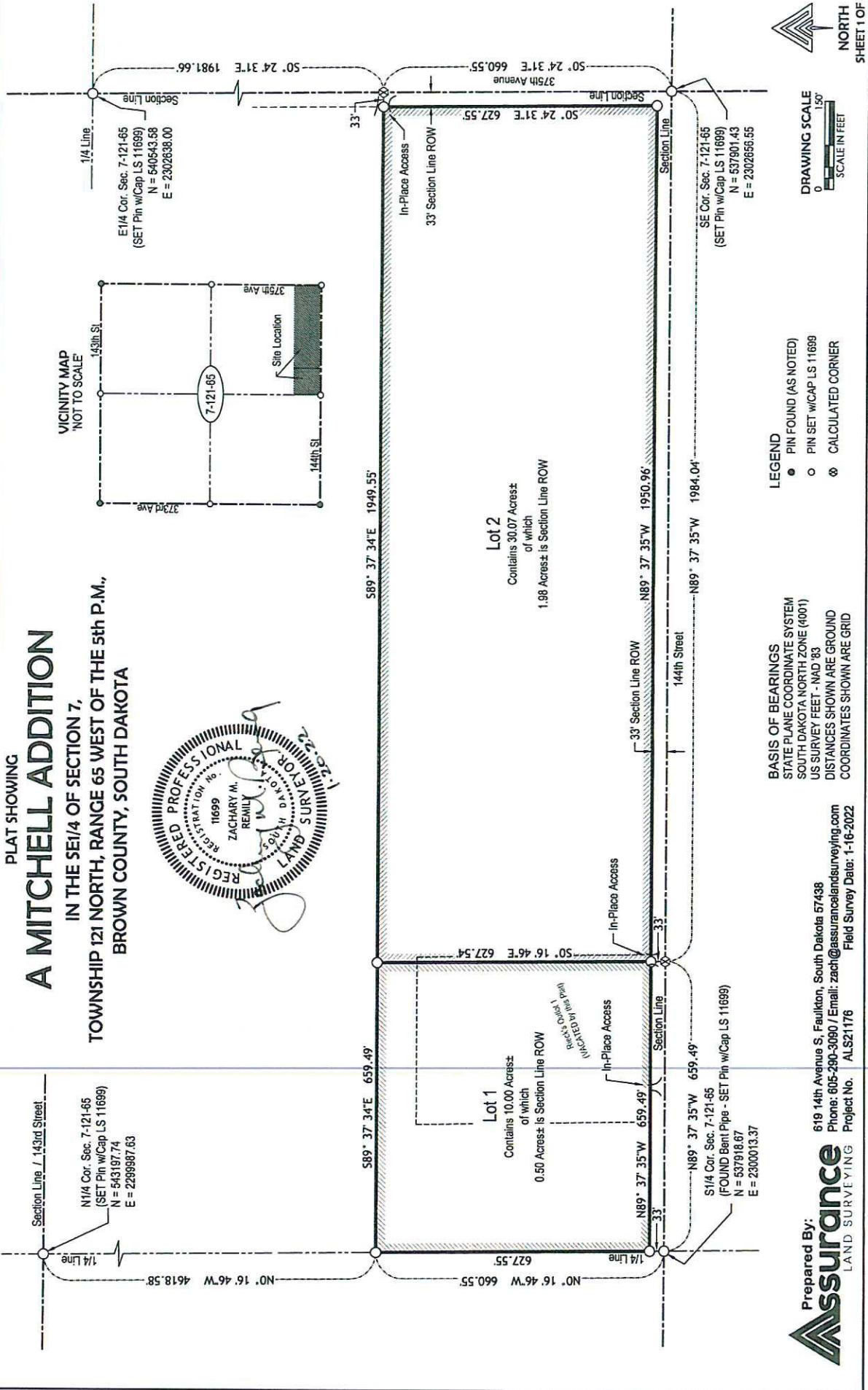
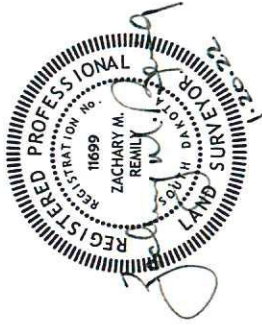


-98.7102

SPINK CO.

PLAT SHOWING A MITCHELL ADDITION

IN THE SE1/4 OF SECTION 7,
TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



VICINITY MAP
NOT TO SCALE



DRAWING SCALE
0 150'
SCALE IN FEET

LEGEND
 ● PIN FOUND (AS NOTED)
 ○ PIN SET w/CAP LS 11699
 ⊗ CALCULATED CORNER

BASIS OF BEARINGS
 STATE PLANE COORDINATE SYSTEM
 SOUTH DAKOTA NORTH ZONE (4001)
 US SURVEY FEET - NAD 83
 DISTANCES SHOWN ARE GROUND
 COORDINATES SHOWN ARE GRID

Assurance
LAND SURVEYING

Prepared By:
619 14th Avenue S, Faulkton, South Dakota 57488
Phone: 605-290-3090 / Email: zach@assuranceandsurveying.com
Project No. ALS21176
Field Survey Date: 1-16-2022

PLAT SHOWING
A MITCHELL ADDITION
 IN THE SE1/4 OF SECTION 7, TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

The Larry and Sharon M. Stroschein Family Limited Partnership, a South Dakota limited partnership, does hereby certify that the limited partnership is the owner of the South Half of the South Half of the Southeast Quarter (S1/2 S1/2 SE1/4) of Section Seven (7), Township One Hundred Twenty-One (121) North, Range Sixty-Five (65) West of the 5th P.M., including Rieck's Outlot 1 thereof, Brown County, South Dakota (Warranty Deed filed 10-3-2019 and recorded in Book 304 Deeds, Page 598), and that the limited partnership has 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:

*A MITCHELL ADDITION
 IN THE SE1/4 OF SECTION 7, TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA*

and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, The Larry and Sharon M. Stroschein Family Limited Partnership, a South Dakota limited partnership, does hereby VACATE Rieck's Outlot 1 in the SE1/4 of Section 7, Township 121 North, Range 65 West of the 5th P.M., Brown County, South Dakota as filed for record on October 28, 1987 at 1:00 P.M., and duly recorded in Plat Book 7, Page 633E.

Owner: The Larry and Sharon M. Stroschein Family Limited Partnership, a South Dakota limited partnership

Larry Stroschein
 Larry Stroschein

Sharon M. Stroschein
 Sharon M. Stroschein

Signed this 31 day of January, 2022.

Signed this 31st day of January, 2022.

COUNTY OF Brown) SS
 STATE OF South Dakota)

On this the 31 day of January, 2022, before me, Kathy Zirbel, the undersigned officer, personally appeared Larry Stroschein and Sharon M. Stroschein of The Larry and Sharon M. Stroschein Family Limited Partnership, a South Dakota limited partnership known to me or satisfactorily proven to be the persons who, subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

My Commission Expires: 8-17-2023
Kathy Zirbel
 Notary Public



SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted:

*A MITCHELL ADDITION IN THE SE1/4 OF SECTION 7,
 TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5TH P.M.,
 BROWN COUNTY, SOUTH DAKOTA*

as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 28th day of January, 2022.

Zachary M. Remily
 ZACHARY M. REMILY, LS 11689

NEW HOPE TOWNSHIP HIGHWAY APPROVAL

Existing Access to 144th 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 28th day of January, 2022.

Kipp Shanley, Chairman
 Kipp Shanley
 Print Name & Title
Kipp Shanley
 Signature

PLAT SHOWING
A MITCHELL ADDITION

IN THE SE1/4 OF SECTION 7, TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

COUNTY PLANNING COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2022.

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:

*"A MITCHELL ADDITION IN THE SE1/4 OF SECTION 7,
TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5TH P.M.,
BROWN COUNTY, SOUTH DAKOTA"*

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2022.

County Auditor
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing:

*"A MITCHELL ADDITION IN THE SE1/4 OF SECTION 7,
TOWNSHIP 121 NORTH, RANGE 65 WEST OF THE 5TH P.M.,
BROWN COUNTY, SOUTH DAKOTA"*

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

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

Signed this _____ day of _____, 2022.

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 _____, 2022.

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 2022,

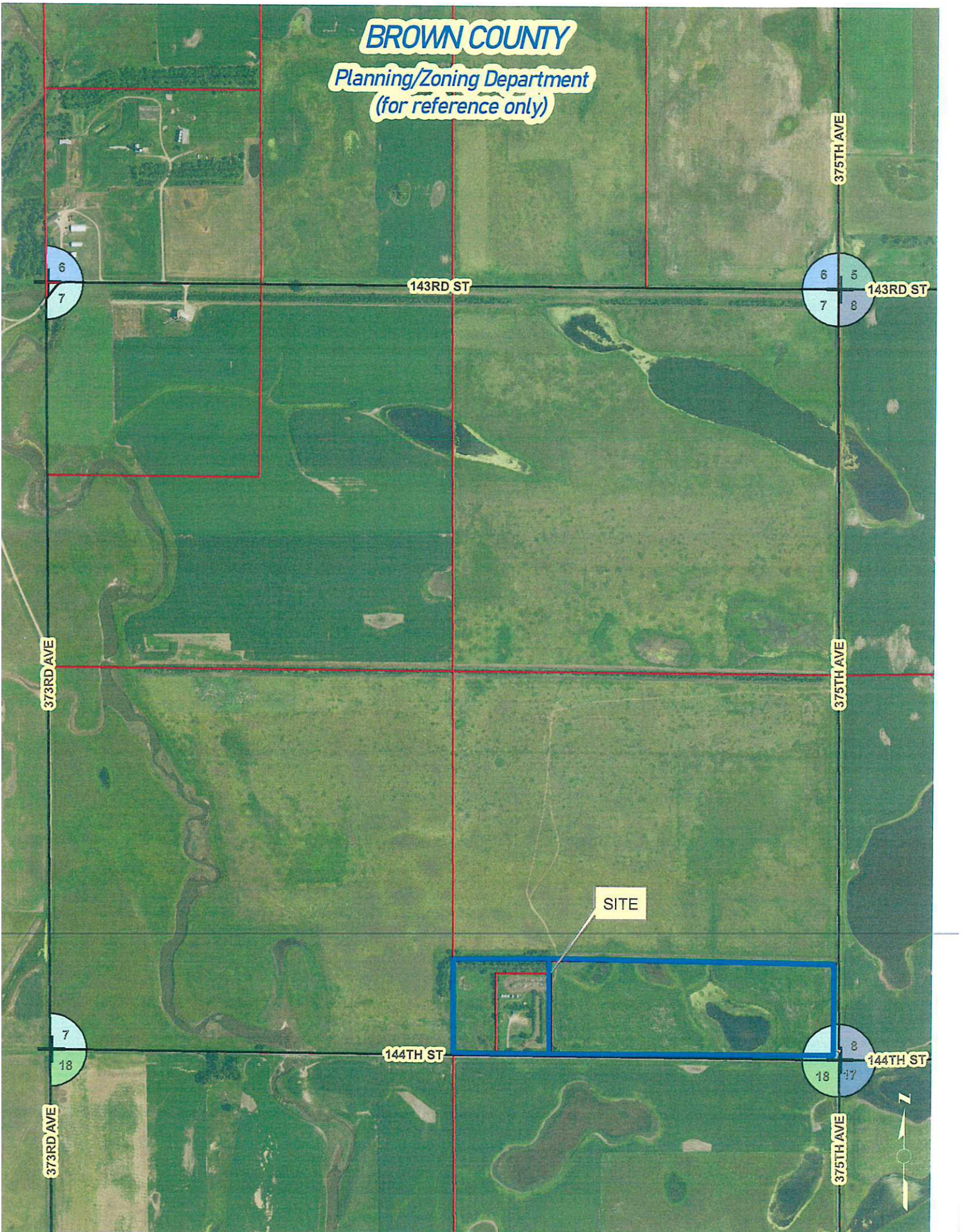
at _____ O'clock _____ M., and duly recorded as Hanging

Plat No. _____

Register of Deeds
Brown County, South Dakota

BROWN COUNTY

Planning/Zoning Department
(for reference only)



375TH AVE

6 5
7 8

143RD ST

143RD ST

6
7

373RD AVE

375TH AVE

SITE

7
18

144TH ST

8
18 17

144TH ST

373RD AVE

375TH AVE



BROWN COUNTY

**Planning/Zoning Department
(for reference only)**

NW

NW

7-121-65

SE

SW

SW

SITE

Lot 1

Lot 2

375TH AVE

144TH ST

144TH ST

18-121-65

NE

NW

NW

375TH AVE



NW

NW

375TH AVE

STAFF REPORT

March 15, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM # 12

GENERAL INFORMATION:

PETITIONER:	Jeff Howard
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	“Jeff Howard First Addition” in the SW1/4 of Section 32-T124N-R60W of the 5 th P.M., Brown County, South Dakota
LOCATION:	12982 407th Avenue
TOWNSHIP:	Riverside 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:	Unknown
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for financial purposes.

GENERAL REVIEW: Staff has reviewed the plat.

- 4.0605 **Minimum Lot Requirements.** The minimum lot frontage width shall be two hundred (200) feet. The minimum area for any plot, piece, or area of land of contiguous assemblage as established by survey, plot, or deed shall contain an area of not less than forty (40) acres. (Ordinance. 088 amendment).
1. The Planning/Zoning Commission - Zoning Board of Adjustment (BOA) may reduce the required land area following the procedures of a Variance to Lot Size (4.2403), providing that:
 - A. The use of the land is for agricultural purposes and that the construction of buildings is confined to the shelter of grain, livestock, or agricultural equipment.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Jeff Howard

PLAT OF
JEFF HOWARD FIRST ADDITION
IN THE SW QUARTER OF SECTION 32, TOWNSHIP 124 NORTH, RANGE 60 WEST
OF THE FIFTH P.M., BROWN COUNTY, SOUTH DAKOTA

LEGAL SECTION: QUARTER: SW SECTION: 32 TOWNSHIP: 124 RANGE: 60

MANDATORY LOTS: 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

OWNERS NAMES: Robert Howard Rose Howard

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$100.00 DATE PAID: 02 / 25 /20 22

RECEIVED BY PLANNING DEPARTMENT: 02 / 25 /20 22 BY: Chris Anderson

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

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR X 11 x 17 PHOTO PAPER _____ OTHER _____

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

EXISTING ACCESS SHOWN ON PLAT: X ACCESS PERMISSION NEEDED BY: SD _____ BC _____ TWP _____

FULLY DIMENSIONED FROM SECTION CORNER: X OR QUARTER CORNER: X OR KNOWN MARKER: _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) X SIGNATURE LINE SIGNED: X

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: X PROPERTY PINS SHOWN ON ALL CORNERS: X

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

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

CONSIDERED BY COUNTY COMMISSION:

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

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: February 14, 2022
RECEIPT # 620615
TOWNSHIP: Riverside Twp

FEES: \$100.00
PAID: YES/NO ~~CHK~~/CASH
DATE: February 25, 2022

OWNERS SIGNATURE: Robert Howard *Robert Jay Howard*
OWNERS ADDRESS: 714 N Main St
OWNERS CITY, STATE, ZIP: Groton, SD 57445
OWNERS PHONE: 605-380-3547

AGENTS SIGNATURE: Jeff Howard
AGENTS ADDRESS: 40829 131st St
AGENTS CITY, STATE, ZIP: Groton, SD 57445
AGENTS PHONE: 605-216-2525

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Jeff Howard First Addition" in the SW1/4 of Section 32-T124N-
R60W of the 5th P.M., Brown County, South Dakota
(12982 407th Avenue; Riverside Twp.)

Planning Commission Action: Approved / Denied _____

By: _____ Date: _____

HEARING DATE: March 15, 2022 TIME: 7:00 pm

Who Reads Farm & Home Plat & Directory

Over 1 Million People In
Over 500 Counties In 11 States...



For further information call or write
FARM & HOME PUBLISHERS, LTD.
P.O. BOX 305 □ BELMONT, IOWA 50421 □ PHONE: 641-444-3508 □ FAX: 641-444-5150 WATS: 800-685-7432
□ www.farmandhomepublishers.com □ E-mail: info@farmandhomepublishers.com

The Largest Directory Of Its Kind Serving Rural America

that's who!!!

SINCE 1981
or contact your sales representative

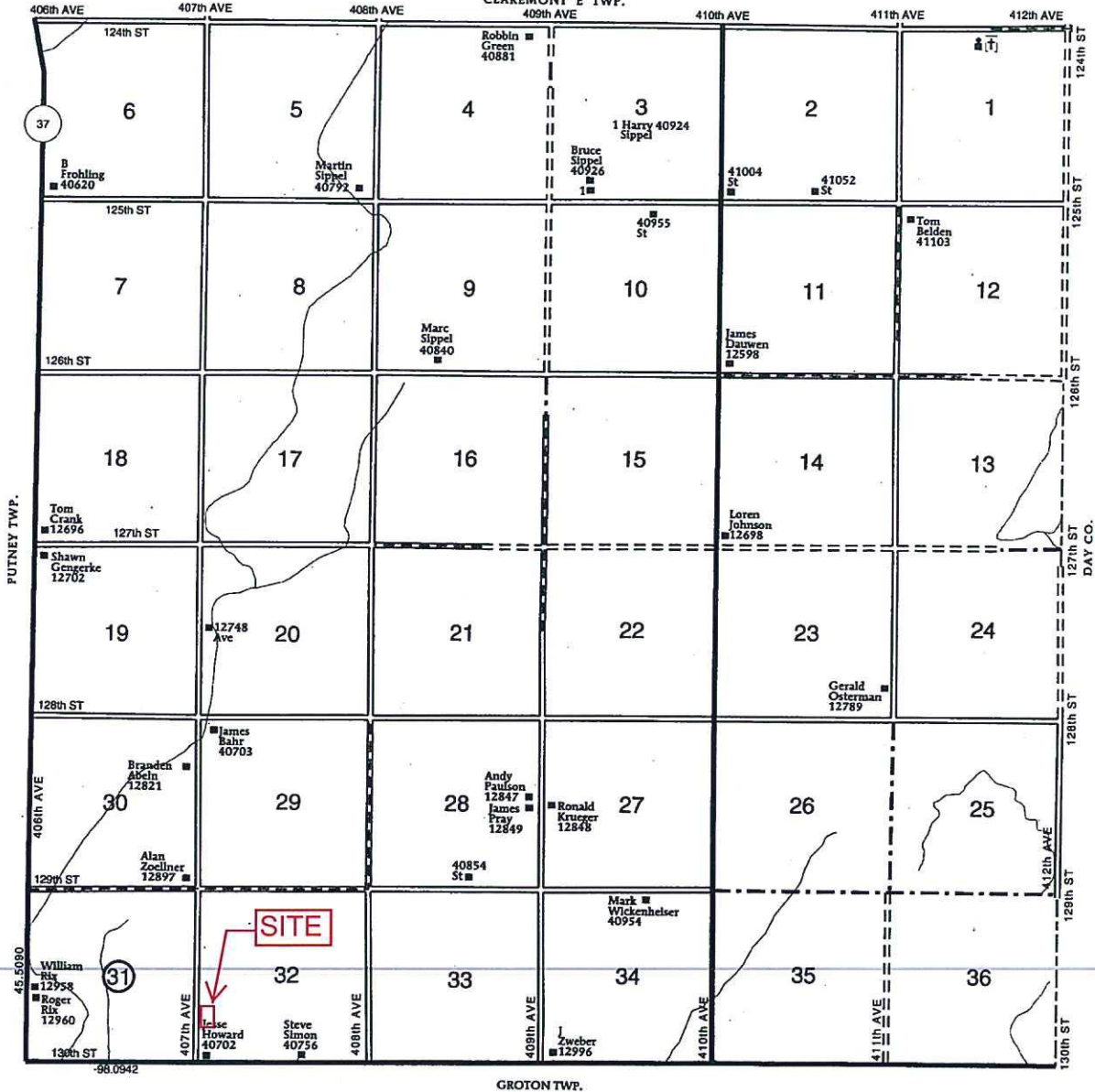
T-124-N

RIVERSIDE DIRECTORY

R-60-W

(Residents - Owners or Renters)

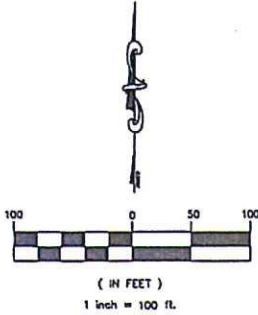
CLAREMONT 'E' TWP.



PLAT OF JEFF HOWARD FIRST ADDITION IN THE SW 1/4 OF SECTION 32 T124N-R60W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

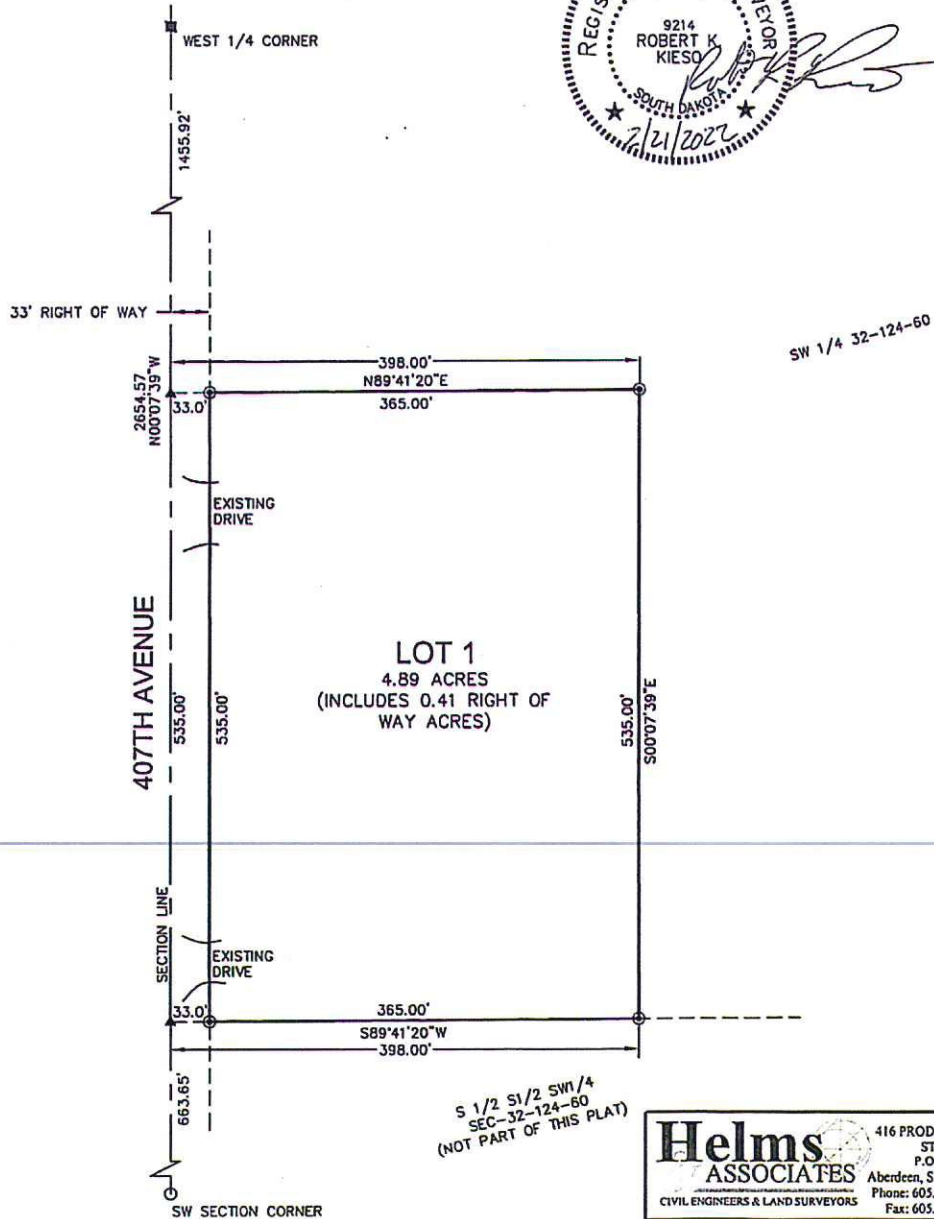
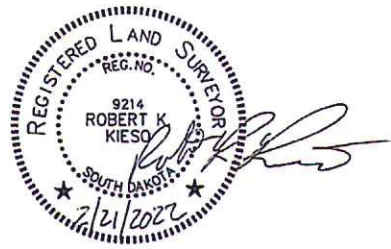
LEGEND

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



BASIS OF BEARINGS

GPS OBSERVATION



Helms ASSOCIATES 416 PRODUCTION STREET N., P.O. Box 111 Aberdeen, S.D. 57401
CIVIL ENGINEERS & LAND SURVEYORS Phone: 605.223.1212 Fax: 605.223.3189

DWG. 8605-LS BY: JAK SHEET 1 OF 3

PLAT OF
JEFF HOWARD FIRST ADDITION
IN THE SW 1/4 OF SECTION 32 T124N-R60W 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 ROBERT JAY HOWARD AND ROSE MARY HOWARD HUSBAND AND WIFE, AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JANUARY 31, 2022, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS; JEFF HOWARD FIRST ADDITION IN THE SW 1/4 OF SECTION 32 T124N-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 21st DAY OF February 2022


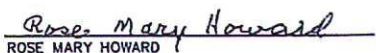

ROBERT K. KIESO RLS #9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNER 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; JEFF HOWARD FIRST ADDITION IN THE SW 1/4 OF SECTION 32 T124N-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 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 20th DAY OF Feb. 2022

PREVIOUSLY DESCRIBED AS: SW 1/4 OF SECTION 32 T124N R60W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, EXCEPT THE S 1/2 S 1/2 SW 1/4 OF SECTION 32 T124N R60W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA.


25th Feb. 22


ROBERT JAY HOWARD

ROSE MARY HOWARD

ACKNOWLEDGEMENT

STATE OF South Dakota
COUNTY OF Brown)SS

ON THIS THE 25 DAY OF February 2022 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ROBERT JAY HOWARD AND ROSE MARY HOWARD 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, South Dakota STATE
MY COMMISSION EXPIRES: 2/2/2027

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 JEFF HOWARD FIRST ADDITION IN THE SW 1/4 OF SECTION 32 T124N-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 JEFF HOWARD FIRST ADDITION IN THE SW 1/4 OF SECTION 32 T124N-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

PLAT OF
JEFF HOWARD FIRST ADDITION
IN THE SW 1/4 OF SECTION 32 T124N-R60W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTY 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



30 29
31 32

29 28
32 33

129TH ST

407TH AVE

468TH AVE

SITE

31 32
6 5

13

130TH ST

32 33
5 4



SITE

407TH AVE

130TH ST

31 32
6 5

13

407TH AVE

STAFF REPORT

March 15, 2022

BROWN COUNTY PLANNING/ZONING COMMISSION

PRELIMINARY PLAT

ITEM # 13

GENERAL INFORMATION:

PETITIONER:	Edwards Legacy Family Limited Partnership
REQUEST:	PRELIMINARY PLAT
LEGAL DESCRIPTION:	“Bauer-Edwards First Addition” in the SW1/4 of Section 10-T124N-R65W of the 5 th P.M., Brown County, South Dakota
LOCATION:	37748 132 nd Street
TOWNSHIP:	Mercier 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:	WEB Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this Preliminary Plat for review. Title 5 Subdivision Ordinances requires Preliminary Review when there is a new road & road name being dedicated.

GENERAL REVIEW: Staff has reviewed the plat. If preliminary plat is approved, staff recommends with the stipulations 1. a road sign be installed before June 1, 2022; 2. the gravel road surface shall be a minimum of twenty (20) feet wide per County Ordinance (currently is 10'-12'); 3. Noted that the parcel owner is responsible for future maintenance; 4. Owner may place a "dead end road" sign and a "private road" sign as they requested.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: March 1, 2022 FEES: \$25.00
 RECEIPT # _____ PAID: YES/NO CHK/CASH
 TOWNSHIP: Mercier Twp DATE: _____

OWNERS SIGNATURE: Edwards Legacy Family Limited Partnership
 OWNERS ADDRESS: 39109 126th St
 OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
 OWNERS PHONE: 605-380-3980

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

REQUEST: Preliminary Plat

LEGAL DESCRIPTION: "Bauer-Edwards First Addition" in the SW1/4 of Section 10-
 T123N-R65W of the 5th P.M., Brown County, South Dakota
 (37748 132nd Street; Mercier Twp.)

Planning Commission Action: Approved / Denied _____

By: Scott Bader Date: _____

HEARING DATE: March 15, 2022 **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

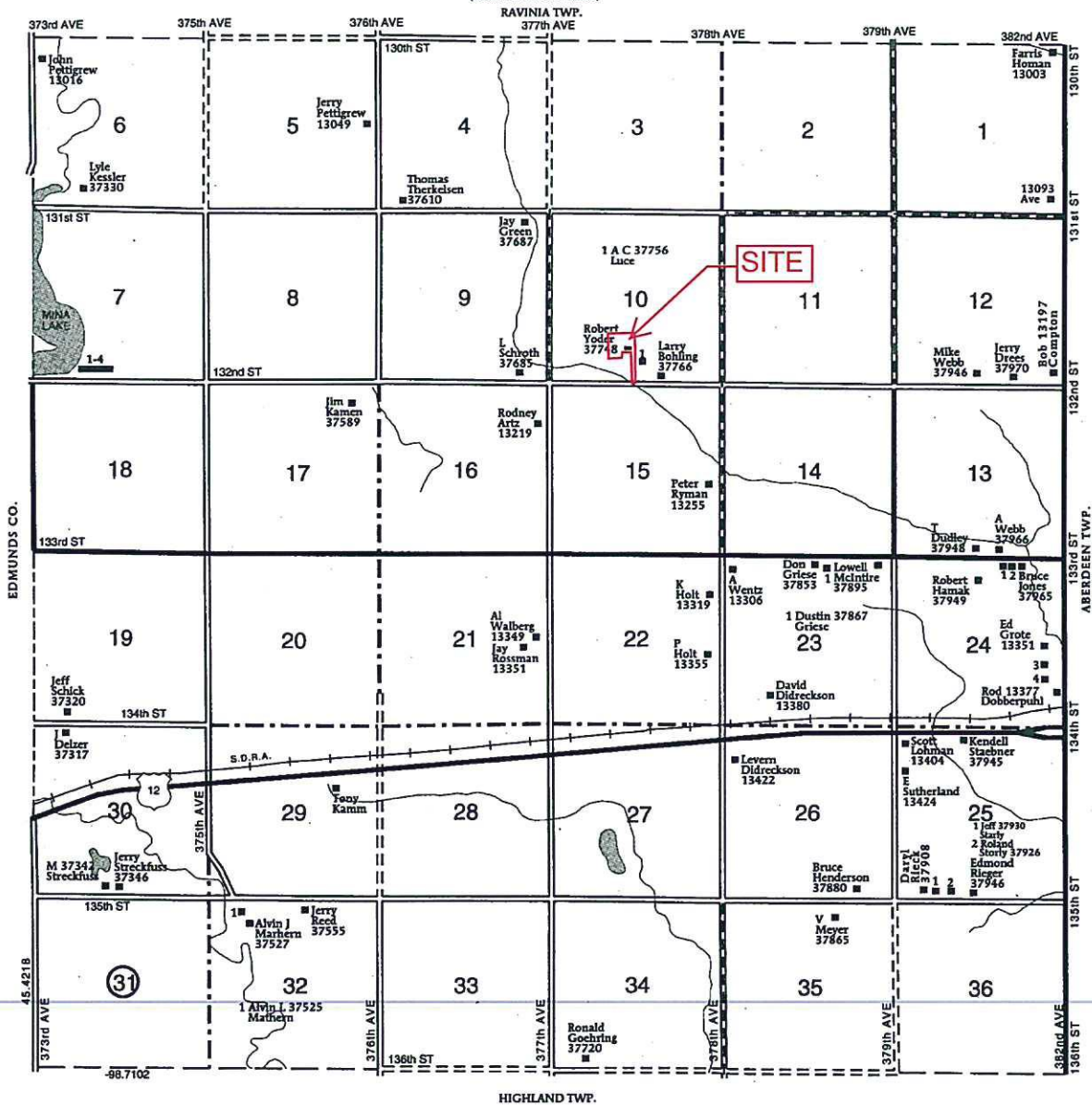
POACHING FOODS

Similar to simmering, poaching is cooking food gently in liquid just below the boiling point. During poaching, the liquid's flavor is picked-up by the ingredient being poached.

T-123-N

MERCIER DIRECTORY

R-65-W



MERCIER TOWNSHIP

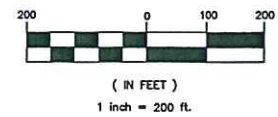
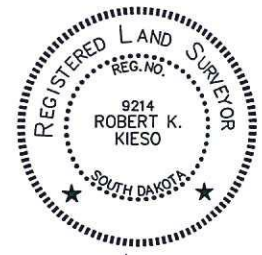
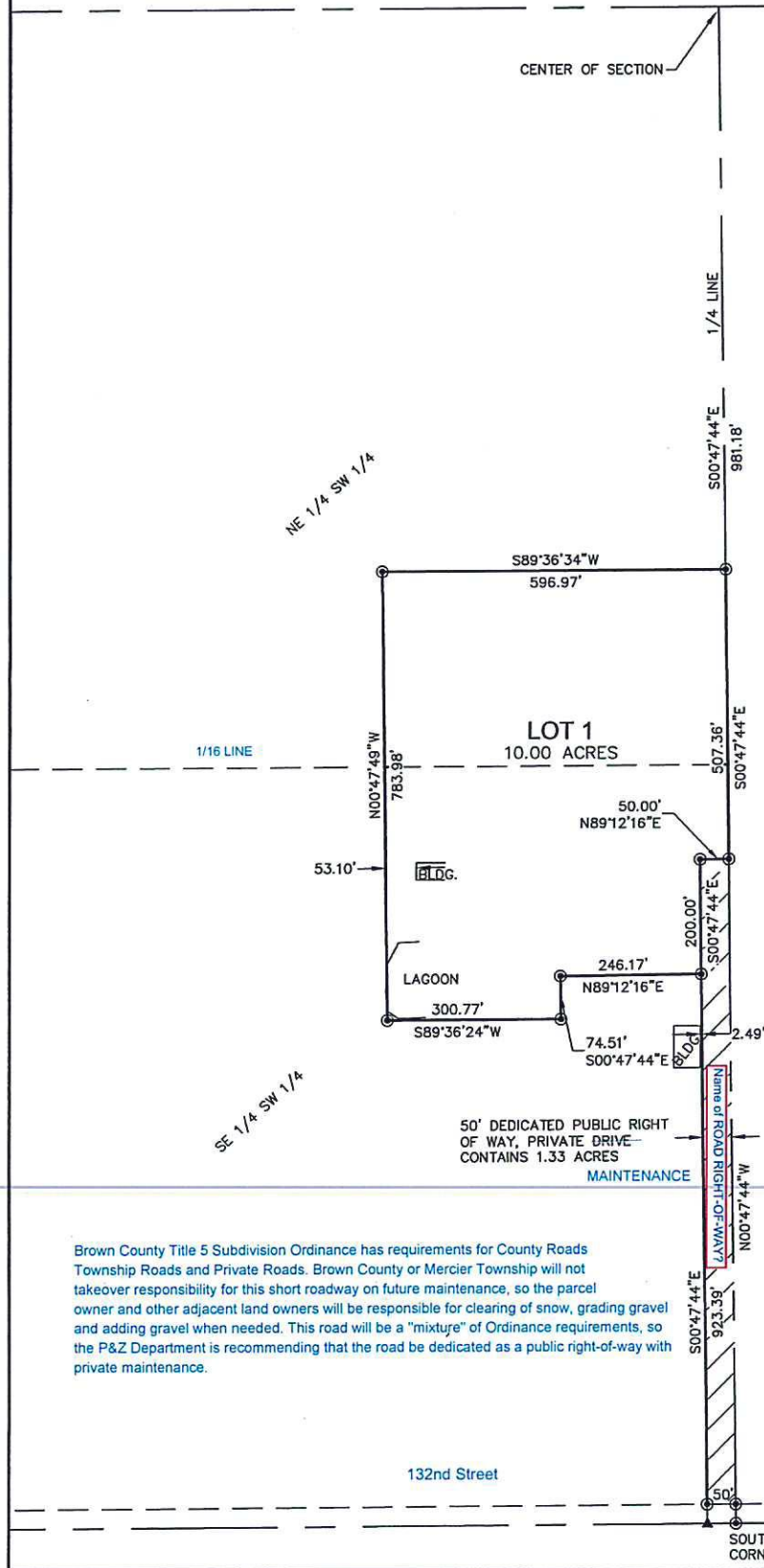
SECTION 7

- 1 Bauer, Bryan 37302
- 2 Davis, I 37306
- 3 Ernst, Russ 37310
- 4 Benton, Dennis 37320

SECTION 24

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

PLAT OF BAUER-EDWARDS FIRST ADDITION IN THE E 1/2 SW1/4 OF SECTION 10-T123N-R65W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



- LEGEND**
- FOUND PROPERTY CORNER
 - ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
 - SET 3" SPIKE W/ WASHER STAMPED KIESO RLS 9214
 - ▲ CALCULATED POSITION
 - ▨ DEDICATED TO PUBLIC RIGHT OF WAY PRIVATE DRIVE

BASIS OF BEARINGS
SD STATE PLANE NORTH ZONE
NAD 83 (2011)
DISTANCES ARE GROUND

Brown County Title 5 Subdivision Ordinance has requirements for County Roads Township Roads and Private Roads. Brown County or Mercier Township will not takeover responsibility for this short roadway on future maintenance, so the parcel owner and other adjacent land owners will be responsible for clearing of snow, grading gravel and adding gravel when needed. This road will be a "mixture" of Ordinance requirements, so the P&Z Department is recommending that the road be dedicated as a public right-of-way with private maintenance.

Helms & ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION STREET N.
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

DWG. 8613-LS BY: BKK SHEET 1 OF 3

TITLE 5 SUBDIVISION REGULATIONS

CHAPTER 5.01	General Provisions
CHAPTER 5.02	Procedures
CHAPTER 5.03	Design Standards
CHAPTER 5.04	Improvements
CHAPTER 5.05	Covenants and Guarantees
CHAPTER 5.06	Preliminary Plat Exemption
CHAPTER 5.07	Enforcement
CHAPTER 5.08	Violation and Penalties
CHAPTER 5.09	Severability Clause
CHAPTER 5.10	Legal Status Provisions

CHAPTER 5.01 GENERAL PROVISIONS

- 5.0101 **Purpose.** These regulations shall be for the purpose of implementing the Brown County Comprehensive Plan by shaping development patterns and providing for consistency in the quality of development.
- 5.0102 **Jurisdiction.** These regulations shall apply within the unincorporated areas of Brown County, South Dakota, and including the incorporated municipalities of Claremont, Columbia, Verdon and Stratford, yet excluding areas of joint jurisdiction with Frederick (1/2 mile), Groton (1 mile), Hecla (1 mile) and Warner (1-1/2 mile). (Ordinance 087 amendment)
- 5.0103 **Extent of Regulations.**
1. The provisions of these regulations shall apply to every addition to, or subdivision within, any city or town listed within subchapter 5.0102, provided that if the land or any part thereof included in any such addition or subdivision is within, adjoining or contiguous to the boundaries of any city or town, listed in 5.0102 the plat thereof, before being recorded, shall be submitted to the governing body thereof, which shall thereupon examine the same, and it shall appear that the system of streets and alleys set forth therein conforms to the system of streets and alleys of the existing plat of such city or town, and that all taxes, if any, upon the tract or subdivision have been fully paid, and that such plat and the survey thereof have been executed according to law, such governing body shall approve the same, and the auditor or clerk shall endorse on such plat a certification of acceptance. No plat of any such addition or subdivision so situated shall be entitled to record or be recorded unless the same bears the acceptance certificate of the auditor or clerk.
 2. Whenever any person wishes to plat any lands outside the boundaries of a municipality which are not included in 5.0103 (1), he/she shall be governed by and proceed in accordance with the provisions of these regulations, except that before recording his/her plat, he/she shall submit the same for review as outlined within these regulations.
- 5.0104 **Definitions.** For the purposes of this Title, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural number and plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

The word building includes the word structure.

ALLEY: A public right-of-way, which is used primarily as a secondary means of access to the abutting property.

BOARD: As used shall mean Board of County Commissioners of Brown County.

BLOCK: A tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted land or a combination thereof.

COMMISSION: Planning and Zoning Commission of Brown County, South Dakota.

CUL-DE-SAC: A street having one end connecting with a public street and being terminated at its other end by a vehicular turn-around.

COUNCIL: Town or city council of a municipality in Brown County, South Dakota.

LOT: A portion of a subdivision or other parcel of platted land, intended as a unit for transfer of ownership or for development.

LOT OF RECORD: A tract of land described as an integral portion of a subdivision plat which is properly recorded in the Register of Deeds Office of Brown County, South Dakota.

COMPREHENSIVE PLAN: A long-range plan for the improvement and development of Brown County, South Dakota, as adopted by the Planning and Zoning Commission and Board of County Commissioners.

IMPROVEMENTS: Pavements, curbs, gutters, sidewalks, water main, sanitary sewers, storm sewers, grading, street signs, plantings, and other items for the welfare of the property owners and the public.

PLAT: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and which will be recorded in final form.

STREET: A thoroughfare, dedicated to public use, which affords a primary means of access to the abutting property.

RIGHT-OF-WAY: A strip of land separating private property from the existing road, street or alley or dedicated in public ownership.

SUBDIVIDER: A person, firm, co-partnership, association, or corporation who submits a proposed subdivision to the Planning Commission.

SUBDIVISION: Subdivision means:

1. The division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose of transferring ownership or for building development;
2. After the division of land each parcel, tract, or lot forty (40) acres or greater and used exclusively for agricultural purposes shall not be deemed a subdivision.

WATER COURSE, DRAINAGE WAY, CHANNEL, OR STREAM: A natural or man-made depression in which a current of surface runoff water flows following participation.

CHAPTER 5.02 PROCEDURES

- 5.0201 Preapplication. Prior to the subdivision of any land, the subdivider or his agent shall discuss informally with the Planning Commission the proposed subdivision with reference to these Subdivision Regulations, Title 4 Zoning, and compatibility with the Comprehensive Plan.
- 5.0202 Preliminary Application Fee. The subdivider shall pay to the Zoning Administrator, to be deposited in the county-general fund, a preliminary fee of ~~ten (\$10) dollars~~ before the application.
- 5.0203 Preliminary Application. The subdivider or his agent shall prepare and submit to the Planning Commission the following:
1. Six (6) copies of the preliminary plat, drawn to a scale of one (1) inch to two hundred (200) feet or larger. All preliminary submittals shall be in conformance with the design standards set forth in Chapter 5.05 of this Title and shall include or be accompanied by the following information:
 - a. Receipt for preliminary fee.
 - b. Proposed name of the subdivision, which shall not duplicate previously filed plat names
 - c. A date, scale, north point, and key map showing the general location of the proposed subdivision in relation to surrounding development.
 - d. Names and addresses of the subdivider, engineer, surveyor, or landscape architect responsible for the survey or design.
 - e. Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
 - f. Existing contours wherever five (5) feet of deviation occurs.
 - g. Location, width, and name of existing or platted streets and alleys, railroads, utilities, rights-of-way or easements, parks, and existing structures within the proposed subdivision and their relationship to the same of adjacent subdivisions.

 - h. Zoning classification and existing and proposed land use.
 - i. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other suitable sanitary disposal systems, water supply, pavement, sidewalks, drainage ways, and other required improvements.
 - j. Written and signed statements by the appropriate officials, obtained by the subdivider, ascertaining the availability of gas, electricity, and water to the proposed subdivision.

k. Layout, number, and approximate dimensions of lots and the number of each block.

l. The owner of any parcel of land proposing to develop such land for residential or commercial purposes shall obtain written approval of the proposed access to an abutting highway or street from the appropriate highway or street authority. The approval shall be obtained prior to filing of the plat in accordance with this chapter and may not replace the need for any permits required by law.

2. The preliminary plat must be submitted to the Zoning Administrator at least ten (10) days prior to action by the Planning Commission.

3. Before the preliminary plat is reviewed, the governmental entity (town or township) in which the proposed subdivision is located will be notified at least five (5) days in advance of the preliminary plat review date.

4. The Commission shall approve or disapprove the preliminary plat within sixty (60) days. Approval of the preliminary plat by the Commission shall be void at the end of one (1) year unless a final plat has been submitted.

5. If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations and/or other such conditions as may increase the danger of health, life or property or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the Planning Commission may not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.

6. Upon approval of the preliminary plat, the subdivider may proceed with the preparation of the final plat. If disapproved, the subdivider may appeal the Board of County Commissioners to overturn the decision of the Planning Commission.

5.0204 Final Plat Application.

1. The subdivider shall pay to the Zoning Administrator a final application fee after preliminary approval and before final application. The fee shall be twenty-five (\$25) dollars plus one (\$1) dollar per acre for all parcels or lots larger than one (1) acre in size, rounded to the next highest whole number.

2. Exemption (also see Chapter 5.06) whenever the preliminary application is waived, final plats must be submitted to the Zoning Administrator at least five (5) working days prior to its review by the Planning Commission.

5.0205 Final Plat Requirements and Approval. The subdivider shall prepare and submit to the Planning Commission the following, prepared by land surveyor registered in the State of South Dakota:

1. Six (6) copies of the final plat at a uniform size of fifteen (15) inches by twenty-six (26) inches. All final plat submittals shall be in conformance with the design standards set forth in Chapter 5.05 of this Title and shall include or be accompanied by the following information:

a. The name of the subdivision, location by section, township, range, county, and state.

- b. Name(s) of the subdivider, engineer, surveyor or landscape architect responsible for the survey or design.
- c. A scale, north point and key map, showing the general location of the proposed subdivision in relation to the surrounding development and in relation to the section in which it is located.
- d. The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, together with the names of all streets.
- e. Location and description of all monuments.
- f. Descriptive boundaries of the subdivision, based on an accurate traverse giving angular and linear dimensions that must be mathematically close.
- g. Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivider consenting to the plat, including dedication of all streets, alleys and public ways, parks or other public grounds, or lands for charitable, religious, or educational purposes, if any, and granting easements.
- h. Certificate signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the property described in the plat.
- i. One (1) copy of any private restriction or covenants affecting the subdivision or any part thereof.
- j. The following format shall be used for the required signatures:
 - 1.Owner's Certificate;
 - 2.Surveyor's Certificate;
 - 3.Treasurer's Certificate;
 - 4.Planning/Zoning Commission Certificate;
 - 5.Governing Body Certificate;
 - 6.Director of Equalization Certificate; and
 - 7.Register of Deeds Certificate.

CHAPTER 5.03 DESIGN STANDARDS

5.0301 General Standards. Land within the proposed subdivision which the Planning Commission finds to be unsuitable for subdividing due to flooding or bad drainage shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such objectionable features are provided.

5.0302 Streets and Alleys.

1. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions.
2. Minor residential streets shall be planned as to discourage through traffic. Permitted cul-de-sacs shall not be longer than four hundred (400) feet and shall terminate with a turnaround having a curb line diameter of not less than eighty (80) feet. This also applies to private roadways.
3. Centerline offsets of intersecting streets shall be avoided, but where necessary shall be not less than one hundred fifty (150) feet.
4. Blocks in residential subdivisions shall be not less than three hundred (300) feet long and not more than one thousand two hundred (1,200) feet long.
5. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.
6. Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.
7. Alleys shall be provided in commercial and industrial districts except where other definite and assured provision is made for service access.
8. The right-of-way widths and pavement widths (back-to-back of curb) for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

MINIMUM TYPE	DRIVING WIDTH	ROW
Major Arterial Streets (County)	28	100
Secondary Streets (Townships)	28	66
Local Streets	24, if off-street parking 44, if on-street parking	50

9. The horizontal alignment on all streets where the centerline deflects two (2) degrees or more shall be as follows:

RADII OF HORIZONTAL CURVES	
Major Streets	700' minimum
Minor Streets	100' minimum

10. New Subdivisions - The acceptance of a plat by the Brown County Commission does not obligate the County to maintain the roads of a rural subdivision. Until the County accepts the subdivision roads for maintenance and designates those roads as part of the Brown County Secondary Road System, the County is not responsible for maintenance. It is the policy of Brown County not to designate roads as secondary roads and accept them for maintenance in any additional rural subdivisions. To protect the safety and welfare of the citizens, roads shall be constructed in conformance to the standards as stated in Brown County Ordinance Title 5.

11. All subdivision roads shall be permanently dedicated as public rights-of-way or shown as private roadways. For the dedication of public right-of-way, the plat shall include a certificate for township acceptance of the road dedication or the owner's certificate shall describe the legal responsibilities for construction, repair and maintenance of said roads.

12. MINIMUM ROAD IMPROVEMENTS AND DESIGN STANDARDS

Arrangement and Design.

A) Roads shall provide public convenience and safety and shall be related appropriately to the topography and arranged so that building sites are at or above the road grade.

B) All new subdivision roads (including private roads) shall be properly integrated with the existing system of roads; there should be a road connecting adjacent subdivisions where topographical and land use considerations permit. Roads shall be completed prior to the issuance of building permits per plan and specifications provided for.

C) To insure consistent signage throughout the County, developer or owner shall install road signs at all road intersections, both public and private, and along roads within the new subdivision, at such places, manner and in accord with specifications as approved by the County Highway Superintendent. Signs shall be installed prior to the issuance of any building permits.

D) All section line roads shall be extended to the boundary lines of the tract to be subdivided on the side the subdivision is accessed, unless prevented by topography or other physical conditions.

E) The arrangement of all roads shall be such as not to cause hardship to adjoining landowners when they plat their own land and seek access to the roads.

F) All subdivision roads shall be permanently dedicated as public rights-of-way and accepted by the Brown County Commission, or shown as private roadways.

G) Dead end roads or streets are prohibited except that where the Comprehensive Plan indicates a road is to continue past the developer's property, a temporary dead end with a turnaround may be allowed until such time as the road is continued.

H) Half road or streets are prohibited, except that they may be required to complete the remaining half of the highway already dedicated or where the Comprehensive Plan indicates that the alignment of the road will center on the property line.

13. Minimum Road Right-of-Way.

A) Roads shall have a minimum publicly dedicated right-of-way of 66 feet. An easement of 66 feet shall be reserved for private roadways. A right-of-way of 100 feet may be required on any roads built on section lines or designated as arterial or collector. The owner shall dedicate 17 feet of added right-of-way on the side of any section line r-o-w wherever the owner's land abuts the section line r-o-w.

14. Section Line Road Standards.

A) A Developer subdividing off a Section Line Road, will be required to work in partnership with the governing body whether Township or County, to assure that the

design criteria for section line roads to said development shall be in accordance with the South Dakota Department of Transportation Secondary Road Plan (Revised 1997).

B) Access from individual lots within a subdivision onto an arterial road shall be prohibited.

Frontage roads are not encouraged but may be considered when special circumstances warrant.

C) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards, and the location of all entrances to public roads shall be approved in writing by the governmental agency having jurisdiction.

D) Minimum width of the driving surface shall be 24 feet, plus two-foot shoulders. The inslope of the road shall be a minimum depth of 3 feet wide with a maximum slope of 4:1, ditch bottoms of 10 feet wide, and minimum backslopes will vary. The minimum clear zone shall be 10 feet wide.

E) Gravel roads shall have an initial three-inch lift of gravel spread over the driving surface. This lift shall be compacted. A second three-inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt, Portland cement concrete surfaces, and granular surfaces shall be constructed in accordance with specifications of the South Dakota Department of Transportation (SDDOT). Asphalt surfaces shall, at a minimum, be a 6-inch granular base course with a 4-inch thickness of asphalt or a 7-inch thickness of Portland cement concrete.

F) Culverts under roadways or driveways shall be R.C.P or C.M.P. Culverts 24" and less in diameter shall have sloped end sections if placed across main roads and shall have safety ends if placed across an approach. Larger culverts will not require end sections if the ends of the culvert are extended beyond the safety zone. The safety zone shall be determined by use of tables in the South Dakota Department of Transportation Secondary Road Plan.

G) The size of culverts shall be determined by a drainage study for the entire drainage basin. The minimum culvert diameter shall be 18 inches. The minimum culvert size for individual driveways shall be 18".

H) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

Exception: If a parcel of land is to be developed or improved for an individual residence then an alternate road design for access to such parcel may be considered by the Brown County Commission. (The intent of this exception is for a single-family residence only. If this parcel or adjacent parcels are further developed and/or subdivided for residential use, all applicable zoning ordinances, subdivision ordinances and road standards adopted by Brown County shall be in effect).

I) The sub divider upon completion of all the improvements shall request in writing a final inspection by the County Highway Superintendent or Township official.

J) The sub divider shall maintain all improvements for one year after completion as verified by the inspection of the County Highway Superintendent or Township official.

Maintenance shall be guaranteed by cash deposited with the County Commission or Township Board by the posting of a maintenance bond in favor of the County Commission or Township Board both in the amount of five percent of the estimated cost of the improvements. Thereafter the county or township, whichever is applicable, may maintain the improvements in accordance with a duly adopted annual improvement and/or maintenance program which may require special assessments from the individual property owners.

K) The County Commission or Township Board may by resolution accept streets after receipt of a written notice of a satisfactory final inspection by the County Highway

Superintendent or Township official and the posting of a maintenance guarantee by the sub divider.

15. **Subdivision Road Standards.**

A) Design Criteria for subdivision roads shall be in accordance with the South Dakota Department of Transportation Secondary Road Plan (Revised 1997).

B) Access from individual lots within a subdivision onto an arterial road shall be prohibited.

Frontage roads are not encouraged but may be considered when special circumstances warrant.

C) Driveway spacing and sight distance requirements shall be in accordance with SDDOT standards, and the location of all entrances to public roads shall be approved in writing by the governmental agency having jurisdiction.

D) Minimum width of the driving surface shall be 20 feet, plus two-foot shoulders. The minimum slopes shall be 3:1 and the minimum clear zone shall be 10 feet wide.

E) Gravel roads shall have an initial three-inch lift of gravel spread over the driving surface. This lift shall be compacted. A second three-inch lift of gravel shall be spread over the driving surface within one year of the first lift. Asphalt, Portland cement concrete surfaces, and granular surfaces shall be constructed in accordance with specifications of the SDDOT. Asphalt surfaces shall, at a minimum, is a 6-inch granular base course with a 4-inch thickness of asphalt or a 7-inch thickness of Portland cement concrete.

F) Culverts under roadways or driveways shall be R.C.P or C.M.P. Culverts 24" and less in diameter shall have sloped end sections if placed across main roads and shall have safety ends if placed across an approach. Larger culverts will not require end sections if the ends of the culvert are extended beyond the safety zone. The safety zone shall be determined by use of tables in the South Dakota Department of Transportation Secondary Road Plan.

G) The size of culverts shall be determined by a drainage study for the entire drainage basin. The minimum culvert diameter shall be 18 inches. The minimum culvert size for individual driveways shall be 18".

H) Seeding of ditches and other erosion protection measures shall be employed after grading is completed to minimize erosion.

I) Streets with curb and gutter shall meet the requirements in the attached cross section for a curb and gutter street.

Exception: If a parcel of land is to be developed or improved for an individual residence then an alternate road design for access to such parcel may be considered by the Brown County Commission. (The intent of this exception is for a single-family residence only. If this parcel or adjacent parcels are further developed and/or subdivided for residential use, all applicable zoning ordinances, subdivision ordinances and road standards adopted by Brown County shall be in effect).

J) The sub divider upon completion of all the improvements shall request in writing a final inspection by the Township official.

K) The sub divider shall maintain all improvements for one year after completion as verified by the inspection of the Township official. Maintenance shall be guaranteed by cash deposited with the Township Board by the posting of a maintenance bond in favor of the Township Board both in the amount of five percent of the estimated cost of the improvements. Thereafter the township may maintain the improvements in accordance with a duly adopted annual improvement and/or maintenance program, which may require special assessments from the individual property owners.

L) The Township Board may by resolution accept streets after receipt of a written notice of a satisfactory final inspection by the Township official and the posting of a maintenance guarantee by the sub divider or by individuals/homeowner association. Homeowner association incorporation papers and letters of assurance with the Township are filed with plat of properties.

16. Private Roadways.

A) Private roadways shall be indicated on the plat and shall not be included as part of any required lot area or setback.

B) Any private roadway approved by the County shall provide permanent unobstructed access to the area it serves. The erecting of any structure within the private roadway easement, which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.

C) Any plat presented for County Commission approval, which shows a private roadway as a means of access shall provide language in the Planned Unit Development (P.U.D.) reserving the private road as a permanent unobstructed access easement and establishing private responsibility for maintenance of the roads, including a permanent road maintenance agreement as part of covenants or an otherwise recordable instrument.

D) All road standards specified in Section 5.03 shall also apply to private roadways.

E) The sub divider shall maintain all improvements for one year after completion and then private roads are maintained by individuals or a homeowner association.

Homeowner association incorporation papers and letters of assurance with the County and/or Townships are filed with plat of properties.

17. Intersections and Approaches.

A) Acute angles at road intersections are to be avoided in so far as possible, but in no case with an angle of less than 80 degrees be permitted.

B) Not more than two roads shall intersect at one point unless specifically approved.

C) Intersection offsets of less than 300 feet shall not be permitted

D) Two approaches may be permitted on each side of each half-mile segment of county primary highways. Where possible, the approaches on the opposite side of the highway shall be at the same location.

E) No approach shall be constructed in private subdivisions without first obtaining an approach permit from the Brown County Highway Superintendent. The landowner shall be responsible for constructing the approach in conformance with specifications relating to location, width, in-slope, safety, culvert size, drainage, and other factors as determined by the Brown County Highway Superintendent. Approaches shall be in compliance with the South Dakota Department of Transportation's Road Design Manual.

18. No building permits shall be issued until all required road improvements have been completed per plan and specifications provided for.

5.0303 Lots.

1. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.

2. Every lot shall abut and have access to a public street.

3. Double frontage lots shall be avoided except where they back upon a major street.

5.0304 Easements.

1. Easements on rear or side lot lines shall be provided for sanitary sewers where necessary and shall be a total of at least ten (10) feet wide on each side.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both water flow and maintenance operations.

5.0305 Flood Designated Areas. When located within flood prone areas as designated on the Flood Insurance Rate Map (FIRM), all subdivision proposals:

1. Shall be consistent with the need to minimize flood damage;
2. Shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. Shall have adequate drainage provided to reduce exposure to flood damage and shall not put additional burden on adjacent land owners; and
4. Shall provide base flood elevation data for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

CHAPTER 5.04 IMPROVEMENTS

5.0401 Improvements. It shall be the responsibility of the subdivider to install in accordance with plans, specifications, and data certain required improvements as follows:

1. Staking -- The external boundaries and corners of each block and lot shall be monumented by iron rods, pipes, or pins not less than one (1) inch in diameter and extending at least twenty-four (24) inches below grade.
2. Streets -- All streets shall have a gravel surface as specified by Chapter 5.03 Design Standards. All streets shall be installed prior to the sale of lots adjoining that street.
3. Sanitary Sewer -- Where a municipal sanitary sewer is accessible by gravity flow within two hundred (200) feet of the final plat, the subdivider shall submit to the Town or City Council his plans for connection with a trunk line to the existing system. The Town or City Council shall then inform the subdivider of the trunk line size requirements as per anticipated development in the general area. Where a municipal sanitary sewer is not accessible by gravity flow within the two hundred (200) feet of the final plat, the subdivider shall make provision for the disposal of sewerage as required by law. Where a municipal sanitary sewer accessible by gravity connection is not within two hundred (200) feet of the final plat, but where plans for the installation of city sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.
4. Water Mains -- Where a public water supply is within five hundred (500) feet of a proposed subdivision, the subdivider shall install, or have installed, a connection to each lot prior to the paving of the street, as according to the County requirement(s). Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system with proper provisions for the maintenance thereof.

CHAPTER 5.05 COVENANTS AND GUARANTEES

5.0501 Restrictive Covenants. The subdivider may, at his own expense, restrict the use of such premises as contained in a subdivision plat by means of restrictive covenants which are reviewed by the Planning Commission and approved by the County Commissioners. Any such covenants shall be included as deed restrictions on the final plat.

CHAPTER 5.06 PRELIMINARY PLAT EXEMPTION

5.0601 Exemption from Preliminary Platting Process. For a proposed subdivision that would contain or less parcels, tracts or lots, and the building of no new streets, the preliminary process is waived.

CHAPTER 5.07 ENFORCEMENT

5.0701 Enforcement. No plat of any subdivision within the application of Title 5 shall be entitled to be filed or recorded in the Office of the Register of Deeds or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by this Title.

It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land for building purposes individually, as a part of, or in conformity with any plat, plan, or replat of any subdivision within the area subject to application of this Title unless said plan, plat, or replat shall have been approved as prescribed by this Title and filed and recorded in the Office of the Register of Deeds.

CHAPTER 5.08 VIOLATIONS AND PENALTIES

5.0801 Violation of Title 5. It is declared unlawful for any person, firm, or corporation to violate any of the terms or provisions of this Title. Violation thereof shall be a misdemeanor and may be punishable by a fine of up to one hundred (\$100) dollars for each and every day that any violator fails to comply with the provisions of this Title. All fines for violations shall be paid to the County and shall be credited to the general revenue fund.

Any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

CHAPTER 5.09 SEVERABILITY CLAUSE

5.0901 Severability Clause. Should any section or provision of these regulations be declared by courts to be unconstitutional or invalid, such declaration shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

CHAPTER 5.10 LEGAL STATUS PROVISIONS

5.1001 Conflict with Other Regulations. No final plat of land within the force and effect of Title 4 shall be approved unless it conforms to these regulations. Whenever there is a discrepancy between minimum standards or dimension noted herein and those contained in Title 4, the building code, or other official regulations or ordinances, the most restrictive shall apply.

TITLE 5 SUBDIVISION REGULATIONS

CHAPTER 5.03 DESIGN STANDARDS

5.0302 Streets and Alleys.

16. Private Roadways.

- a. Private roadways shall be indicated on the plat and shall not be included as part of any required lot area or setback.
- b. Any private roadway approved by the County shall provide permanent unobstructed access to the area it serves. The erecting of any structure within the private roadway easement, which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.
- c. Any plat presented for County Commission approval, which shows a private roadway as a means of access *shall provide language in the Planned Unit Development (P.U.D.) reserving the private road as a permanent unobstructed access easement and establishing private responsibility for maintenance of the roads, including a permanent road maintenance agreement as part of covenants or an otherwise recordable instrument.*
- d. All road standards specified in Section 5.03 shall also apply to private roadways.
- e. The sub divider shall maintain all improvements for one year after completion and then private roads are maintained by individuals or a homeowner association. Homeowner association incorporation papers and letters of assurance with the County and/or Townships are filed with plat of properties.

Brown County P&Z Department comments for the Planning Commission meeting based on item "5.0302 #16c":
Since this "Edwards-Bauer" preliminary plat is not a Planned Unit Development (P.U.D.) and will not have a Homeowners Association (HOA) with Covenants and Road Maintenance language, the County Zoning Office required that the road is dedicated as "public right-of-way" and noted as "private maintenance". The public r-o-w gives general access to get to the actual parcel by people such as UPS, FedEx, Cross Country truck delivery, family members, guests, etc. The private maintenance leaves the responsibility of clearing snow or adding gravel to the adjacent land owners. The State, County or Township will not take over jurisdiction of roads anymore with added costs since they cannot afford to maintain what they have. Ordinances require a minimum 200' Frontage Width in AG-P District and M-AG District. Brown County Ordinances require that every lot shall abut and have access to a public street.

Example: Ebby Lane at Mina Lake, that Bauer Feedlot once developed, did not have a Homeowners Association (HOA) formed or documented. They have eight lots adjacent to the road and the ones that have homes there got hit hard a couple of years ago with high heavy drifting of snow. They needed to contact a heavy equipment company to remove the snow which was very expensive, and the people were not prepared for that. Bauer Farms used to keep it clean, but when they moved, so did the tractor and driver. The Township would not take on the additional responsibility to maintain this road either.

BROWN COUNTY
Planning/Zoning Department
(for reference only)



37324
132ND ST

37336 EBBY LN

37328
132ND ST

37332
EBBY LANE

37330
EBBY LANE

37328
EBBY LANE

37326
EBBY LANE

37324
EBBY LANE

37327 EBBY LN

37314
132ND ST

37320
132ND ST

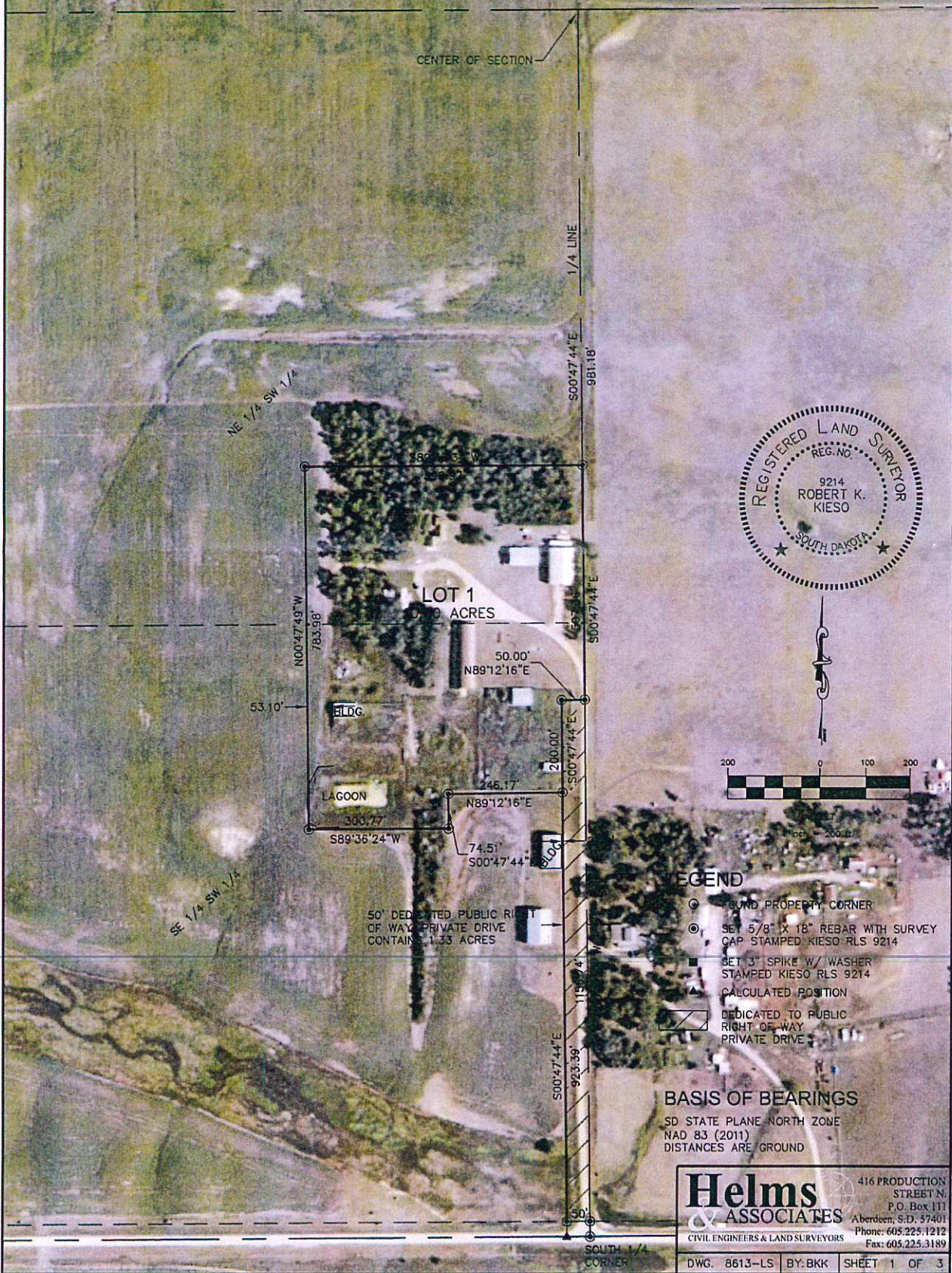
37322
EBBY LANE

132ND ST

132ND ST



PLAT OF
BAUER-EDWARDS FIRST ADDITION
IN THE E 1/2 SW1/4 OF SECTION 10-T123N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



CENTER OF SECTION

1/4 LINE

NE 1/4 SW 1/4

LOT 1
0.93 ACRES

N00°47'49"W
783.98'

53.10'

LAGOON

S89°36'24"W
300.77'

50' DEDICATED PUBLIC RIGHT OF WAY PRIVATE DRIVE
CONTAINING 1.33 ACRES

246.17'

N89°12'16"E

74.51'

S00°47'44"E

260.00'

S00°47'44"E

115.74'

S00°47'44"E

923.39'

S00°47'44"E

50'

S00°47'44"E
981.18'

S00°47'44"E

S00°47'44"E

S00°47'44"E

S00°47'44"E

SOUTH 1/4
CORNER



LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- SET 3" SPIKE W/ WASHER STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION
- ▨ DEDICATED TO PUBLIC RIGHT OF WAY PRIVATE DRIVE

BASIS OF BEARINGS

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

Helms ASSOCIATES
416 PRODUCTION STREET N,
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189
CIVIL ENGINEERS & LAND SURVEYORS



131ST ST

377TH AVE

378TH AVE

SITE

2ND ST - RLK

132ND ST

377TH AVE

378TH AVE