

# MINUTES

## REGULAR SCHEDULED MEETING

### BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY MAY 17, 2022 - 7:00 P.M.

BROWN COUNTY COURTHOUSE in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** The **Brown County Planning/Zoning Commission** meeting was called to order by Stan Beckler-Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were David North-Vice Chairman, Darwin Bettmann, Dale Kurth, Patrick Keatts, James Meyers, County Commissioner Michael Gage, serving on this Board, Deputy States Attorney Ross Aldentaler and Stan Beckler- Chairman. Absent from this meeting was Patrick Keatts. Planning Technician Ron Keller and Director Scott Bader were present from the Planning/Zoning Department.
- III. **Meeting:** This monthly meeting was conducted in the basement west Community Room.
- IV. **Minutes:** After discussion about previous months Minutes, Gage moved and Kurth seconded to approve the Minutes for the April 19, 2022, Planning/Zoning Commission meeting. All members voted aye; the motion carried.
- V. **Old Business:**
  1. **Sign-up Sheet:** at door entrance on the table for anyone to speak on an Agenda Item.
  2. **Permits:** Anyone present that has submitted a Variance Request or Conditional Use Petition is still required to get their required PERMITS from the Zoning Office before starting their project if their request gets approved.
- VI. **New Business:** *Planning/Zoning Commission as Zoning Board of Adjustment (BOA)*
  1. **Variance to Approach Separation** in an Agriculture Preservation District (AG-P) described as The SW1/4 of Section 21-T127N-R60W of the 5th P.M., Brown County, South Dakota (SD Hwy 10 & 408<sup>th</sup> Street, North Detroit Twp). Submitted by SD DOT for Neil Smith. Following discussion on FoF, Kurth moved, and North seconded to **approve the finding of facts** as presented. Also following discussion Kurth moved, and North seconded to **approve the Variance to Approach Separation** to move the approach around the corner during a planned SD Hwy #10 project, for the moved approach to be 200' from the intersection of SD Hwy 10 and 408<sup>th</sup> Avenue rather than the 500' required, all members voting aye, motion carried.
  2. **Variance to Approach Separation** in an Agriculture Preservation District (AG-P) described as Proposed Lot 1, "NCD Bin Site Addition" in the SW1/4 of Section 10-T127N-R60W of the 5th P.M., Brown County, South Dakota (40952 108<sup>th</sup> Street, North Detroit Twp). Submitted by Triple D Farms, Inc. Nathan Dinger and Courtney Dinger for Triple D Farms were present for this item. Following discussion, North moved, and Bettmann seconded to **approve the finding of facts** as presented. Also following discussion, North moved and Bettmann seconded to **approve the Variance to Approach Separation** on Br Co Hwy #20A for a

proposed new approach to be 200' east from an existing approach on 108<sup>th</sup> Street/BC Hwy #20A rather than the 500' required, all members voting aye, motion carried.

3. **Variance to Lot Size** in an Agriculture Preservation District (AG-P) described as Proposed Lot 1, "NCD Bin Site Addition" in the SW1/4 of Section 10-T127N-R60W, of the 5<sup>th</sup> P.M., Brown County, South Dakota (40952 108<sup>th</sup> Street, Bath Twp). Submitted by Triple D Farms, Inc. Nathan Dinger and Courtney Dinger for Triple D Farms were present for this item. Gage moved, and North seconded to **approve the finding of facts** as presented. Also following discussion Gage moved, and North seconded to **approve the Variance to Lot Size** for Lot 1 to be 2.50± acres rather than a minimum 40.0 acres to stay zoned as AG-P District, all members voting aye, motion carried.
4. **Variance to Building Setbacks** in a Highway Commercial District (HC) described as Lot 1, "Budget Furniture-Schumaker Subdivision" the NW1/4 of Section 22-T123N-R63W, of the 5<sup>th</sup> P.M., Brown County, South Dakota (5350 E Highway 12, Aberdeen, SD 57401, Bath Twp.). Submitted by Bruce Zeller for R & J Enterprises LLC. Bruce Zeller and Mike Nold (owner) were present for this item. Following discussion on FoF, North moved, and Meyers seconded to **approve the finding of facts** as presented. Also following discussion North moved, and Meyers seconded to **approve the Variance to Building Setbacks** in a Highway Commercial District (HC). The Variance Petition is approved for a Front setback of 80' rather than 100' required and have a Side setback of 20' rather than 25' required in HC District in the Brown County Ordinances, all members voting aye, motion carried.
5. **Variance to Shelterbelt Setbacks** in Mini-Agriculture District (M-AG) described as Lot 1, "Weiler Subdivision" in the NE1/4 of Section 32-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12901 384<sup>th</sup> Avenue, Aberdeen, SD 57401, Lincoln Twp). Submitted by Kevin Huber. Kevin Huber and Kelsey Huber were present for this item. Following discussion on FoF, Meyers moved and Kurth seconded to approve the FoF. Also following discussion, Meyers moved to **deny the Variance to Shelterbelt Setbacks** as presented. **This motion died for lack of second**. Once again, following discussion, North made a motion to approve with the stipulation that they skip their first row of planting and have two rows of trees starting at 100' back from the section line rather than 150' minimum, and Kurth seconded to **approve the Variance to Shelterbelt Setbacks** in a Mini-Agriculture District (M-AG) to have a setback of 100' from the North section line rather than 150' required in Brown County Ordinance, all members voting aye, motion carried.

VII. **Other Business:** None

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

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TUESDAY, MAY 17, 2022 - 7:00 P.M.

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- I. **Old Business:** Amendment Discussion to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 for Administrative Rules and Enforcement are still Tabled until further notice, by the States Attorney Office.
  
- II. **New Business: Planning Commission**
  10. **Final Plat** for a property described as “Prairie Point First Elm Lake Addition” in the S1/2 of the SE1/4 of Section 8-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10191 376<sup>th</sup> Avenue, Palmyra Twp.). Submitted by Aaron Donat for the Pelkofer Trust. Present for this item was Aaron Donat. Following discussion, Kurth moved, Bettmann seconded to **recommend approval of this final plat** to the Board of County Commissioners, all members voting aye, motion carried.
  
  11. **Preliminary & Final Plat** for a property described as “Barber’s Third Subdivision” in the NE1/4 of Section 31-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38216 & 38248 130<sup>th</sup> St., Lincoln Twp.). Submitted by Thomas Barber. Following discussion, Meyers moved, Gage seconded to **recommend approval of this Preliminary & Final Plat** to the Board of County Commissioners, all members voting aye, motion carried.
  
  12. **Preliminary & Final Plat** for a property described as “Mehlhoff First Addition to Richmond Lake” in the NE1/4 of Section 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (379700 South Shore Drive, Ravinia Twp.). Submitted by Patricia Mehlhoff. Following discussion, North moved, and Meyers seconded to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
  
  13. **Preliminary & Final Plat** for a property described as “Carlson Addition” in the NW1/4 of Section 28-T125N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (Columbia, SD, Columbia Twp). Submitted by Lon Gellhaus for Stanley Carlson Trust. Following discussion, Gage moved, North seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
  
  14. **Preliminary & Final Plat** for a property described as “NCD Bin Site Addition” in the SW1/4 of the SE1/4 of Section 10-T127N-R60W of the 5<sup>th</sup> P.M., Brown County, South Dakota (40952 108<sup>th</sup> Street, North Detroit Twp.). Submitted by Courtney Dinger for Triple D Farms. Courtney Dinger and Nathan Dinger were present for this item. Following discussion, Kurth moved, Bettmann seconded the motion to **recommend approval of this Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

**III. Other Business:** none

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

Submitted by: Ron Keller and Scott Bader.