

# AGENDA

## BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, JANUARY 16, 2024 – 7:00 PM  
BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT  
(STAIRWAY AND ELEVATOR ACCESS TO BASEMENT)

- I. **Call to Order:** for Brown County Planning/Zoning Commission
- II. **Roll Call:** David North - Vice Chair, Dale Kurth, Patrick Keatts, James Meyers, Carrie Weisenburger, County Commissioner Mike Gage, and Stan Beckler-Chairman.
- III. **Approval of January 16, 2024, Agenda:** Motion: 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_
- IV. **Approval of December 19, 2023, Minutes:** Motion: 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_

## ZONING BOARD OF ADJUSTMENT

- V. **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 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 Petition gets approved. Penalties may be assessed per Ordinance when starting projects without proper permits in place.
- VI. **New Business:** Brown County Planning/Zoning Commission as Zoning Board of Adjustment (BOA).
  - 1. **Variance to Building Setbacks** in a Rural Urban District (RU) for a new 25' x 70' cold storage building to have a 5'-0" south rear yard setback rather than the 20'-0" required at Lot 2, "South Dakota Wheat Growers Railroad Addition" in the NW1/4 of Section 17-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (952 Railroad Avenue; Bath Twp.).
- VII. **Other Business:**

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

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# AGENDA

## BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, JANUARY 16, 2024 – 7:00 PM  
BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT  
(STAIRWAY AND ELEVATOR ACCESS TO BASEMENT)

### PLANNING COMMISSION

- I. Old Business:
- II. New Business: *Brown County Planning/Zoning Commission as Planning Commission.*
  - 10. **Rezone Petition** for a property described as Lot 2, “Brock Fischer First Richmond Lake Addition” in the NE1/4 of Section 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (127277 West Shore Drive; Ravinia Twp.) to be rezoned from Mini-Agriculture District (M-AG) to Lake Front Residential District (R-3) for 1.31± acres.
- III. Other Business: *Executive Session if requested.*
- IV. Motion to Adjourn: 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_

# MINUTES

## REGULAR SCHEDULED MEETING

### BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY DECEMBER 19, 2023 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** *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, James Meyers, County Commissioner Michael Gage who serves on this Board (*per SDCL 11-2-2*), Carrie Weisenburger, Dale Kurth, Pat Keatts, and Stan Beckler Chairman. Paul Johnson was also in attendance in the audience.
- III. **Agenda:** After discussion, Keatts moved and Gage seconded to approve this December 19, 2023, Planning/Zoning Commission Agenda. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, North moved and Keatts seconded to approve the November 21, 2023, Planning/Zoning Commission Minutes, all members voted aye; 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 Zoning Board of Adjustment (BOA) items such as a Variance Petition (VP) or Conditional Use Petition (CUP) 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 for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "J and J Brotzel Addition" in Government Lot 1 in the NW1/4 of Section 7-T126N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11312 373<sup>rd</sup> Avenue; Franklyn Twp). Submitted by John and Karen Brotzel. No one was in attendance for this item. Following discussion, Meyers moved, North seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Meyers moved, and North seconded to **approve a Variance for Lot Size** to allow Lot 1 (3.51 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P), all members voting aye, motion carried.
  - 2) **Appeal to Ordinance** in a Mini-Agriculture District (M-AG) described as Lot 2, "Brock Fischer First Richmond Lake Addition" in the NE1/4 of Section 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (127277 West Shore Drive; Ravinia Twp). Submitted by Alvin and Nancy Haugen. Alvin and Nancy Haugen were in attendance for this item. Following discussion, North moved, Meyers seconded to **deny the appeal of Mini-Agriculture District (M-AG) Ordinance**. The board also added the

stipulation that this property be rezoned to Lake Front Residential District (R-3), all members voting aye, motion carried.

- 3) **Variance to Building Setbacks** in a Mini-Agriculture District (M-AG) described as Lot 2, "Brock Fischer First Richmond Lake Addition in the NE1/4 of Section 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (127277 West Shore Drive; Ravinia Twp). Submitted by Alvin and Nancy Haugen. Alvin and Nancy Haugen were in attendance for this item. After discussion, Meyers moved and Kurtz seconded to **approve the Finding of Facts (FoF)**. Also following discussion, Meyers moved, Kurtz seconded to allow a 75' variance with the stipulation that this property be rezoned to Lake Front Residential District (R-3), all members voting aye, motion carried.
- 4) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "Truebenbach Addition" in the SE1/4 of Section 2-T127N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10653 399<sup>th</sup> Avenue; Greenfield Twp). Submitted by Kimberly Dorsett for owner Cole Truebenbach. No one was in attendance for this item. Following discussion, North moved, Gage seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, North moved, and Gage seconded to **approve a Variance for Lot Size** to allow Lot 1 (2.50 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P), all members voting aye, motion carried.
- 5) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "Edward Hofer First Addition" in the S1/2 of Section 6-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39448 131<sup>st</sup> Street; Bath Twp). Submitted by Edward Hofer. No one was in attendance for this item. Following discussion, Gege moved, Kurth seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Gage moved, and Kurth seconded to **approve a Variance for Lot Size** to allow Lot 1 (9.37 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P), all members voting aye, motion carried.
- 6) **Variance for Lot Size** in an Agriculture Preservation District (AG-P) described as proposed Lot 1, "D. Feickert Addition" in the NW1/4 of Section 21-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12748 384<sup>th</sup> Avenue; Lincoln Twp). Submitted by Dennis Feickert for owners Kenneth and Carol Miller. Dennis Feickert was in attendance for this item. Following discussion, Kurth moved, Weisenburger seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Kurth moved, and Weisenburger seconded to **approve a Variance for Lot Size** to allow Lot 1 (3.00 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P), all members voting aye, motion carried.

# MINUTES

## REGULAR SCHEDULED MEETING

### BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, DECEMBER 19, 2023 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Old Business:** Discussion on Amendments to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 on Administrative Rules and Enforcement are still Tabled until further notice, by Ross Aldentaler, Deputy States Attorney.

II. **New Business:** Planning Commission

- 10) **Rezone Petition** for a property described as Lot 1, "Wulff First Subdivision" in the SE1/4 of Section 7-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13159 395<sup>th</sup> Avenue; Bath Twp) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Lot 1 (25.20± acres). Submitted by William Wulff. Dennis Jones, June Thompson, Todd & Connie Wright were in attendance for this item. Following discussion, Kurtz moved, North seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 11) **Preliminary & Final Plat** for conveyance purposes on a property described as "J and J Brotzel Addition" in Government Lot 1 in the NW1/4 of Section 7-T126N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11312 373<sup>rd</sup> Avenue; Franklyn Twp). Submitted by John & Karen Brotzel. No one was in attendance for this item. Following discussion, Meyers moved, Weisenburger seconded to **recommend approval of Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 12) **Preliminary & Final Plat** for conveyance purposes on a property described as "Trueebenbach Addition" in the SE1/4 of Section 2-T127N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10653 399<sup>th</sup> Avenue; Greenfield Twp). Submitted by Kimberly Dorsett for owner Cole Trueebenbach. No one was in attendance for this item. Following discussion, North moved, Gage seconded to **recommend approval of Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 13) **Preliminary & Final Plat** for conveyance purposes on a property described as "Edward Hofer First Addition" in the S1/2 of Section 6-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (39448 131<sup>st</sup> Street; Bath Twp). Submitted by Edward Hofer. No one was in attendance for this item. Following discussion, Meyers moved, Gage seconded to **recommend approval of Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.
- 14) **Preliminary & Final Plat** for conveyance purposes on a property described as "D. Feickert Addition" in the NW1/4 of Section 21-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South

Dakota (12748 384<sup>th</sup> Avenue; Lincoln Twp). Submitted by Dennis Feickert for owners Kenneth and Carol Miller. Dennis Feickert was in attendance for this item. Following discussion, Meyers moved, Gage seconded to ***recommend approval of Preliminary & Final Plat*** to the Board of Brown County Commissioners, all members voting aye, motion carried.

**III. Other Business: None**

- IV. Adjourn:** There being no further business before the Planning/Zoning Commission, Kurth moved and Keatts seconded to adjourn the meeting, all members voting aye, motion carried.

Submitted by: Planning/Zoning Director Scott Bader.

# STAFF REPORT

Meeting: January 16, 2024

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## BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO BUILDING SETBACKS  
Rural Urban District (RU)

ITEM #01

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### GENERAL INFORMATION:

OWNER:	Agtegra
PETITIONER:	Aaron Dosch, Manager
REQUEST:	VARIANCE TO BUILDING SETBACKS IN A RURAL URBAN DISTRICT (RU)
LEGAL DESCRIPTION:	Lot 2, "South Dakota Wheat Growers Railroad Addition" in the NW1/4 of Section 17-T123N-R62W of the 5 <sup>th</sup> P.M., Brown County, South Dakota
ADDRESS:	952 Railroad Avenue
TOWNSHIP:	Bath Twp
EXISTING ZONING:	Rural Urban District (RU)
SURROUNDING ZONING:	
North:	Rural Urban District (RU)
South:	Agriculture Preservation District (AG-P)
West:	Rural Urban District (RU)
East:	Rural Urban District (RU)
PUBLIC UTILITIES:	WEB Water; Public Sewer
REPORTED BY:	Chris Anderson

**GENERAL COMMENT:** The petitioner is requesting a Variance to Building Setbacks in a Rural Urban District (RU) to have a 5'-0" South Rear Yard Setback rather than the 20'-0" required by Brown County Ordinance for a 25' x 70' cold storage building to be set on same footings and foundation from previous storage building that was razed.

**GENERAL REVIEW:** Staff has reviewed this request.

# BROWN COUNTY PLANNING & ZONING COMMISSION

## APPLICATION FOR VARIANCE

DATE: December 14, 2023  
RECEIPT # 821863  
TOWNSHIP: Bath Twp.

FEES: \$125.00  
PAID: YES/NO ~~CHEK/CASH~~ Credit Card  
DATE: December 29, 2023

OWNERS SIGNATURE: Agtegra Cooperative  
OWNERS ADDRESS: 908 S. Lamont Street  
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401  
OWNERS PHONE: (605) 225-5500

AGENTS SIGNATURE: Aaron Dosch, Facility Manager Aaron Dosch  
AGENTS ADDRESS: 952 Railroad Avenue  
AGENTS CITY, STATE, ZIP: Bath, SD 57427  
AGENTS PHONE: (605) 377-8839 (Aaron)

**REQUEST:** Petitioner is requesting a Variance to Building Setbacks in a Rural Urban District (RU) to have a 5'0" South Rear Yard Setback rather than the 20'-0" setback required by Brown County Ordinance for a 25' x 70' cold storage building

**LEGAL DESCRIPTION:** Lot 2, "South Dakota Wheat Growers Railroad Addition" in the NW1/4 of Section 1-T123N-R62W of the 5th P.M., Brown County, South Dakota (952 Railroad Avenue, Bath Twp.)

**Planning Commission Action:** Approved / Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

**HEARING DATE:** January 16, 2024 **TIME:** 7:00pm

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

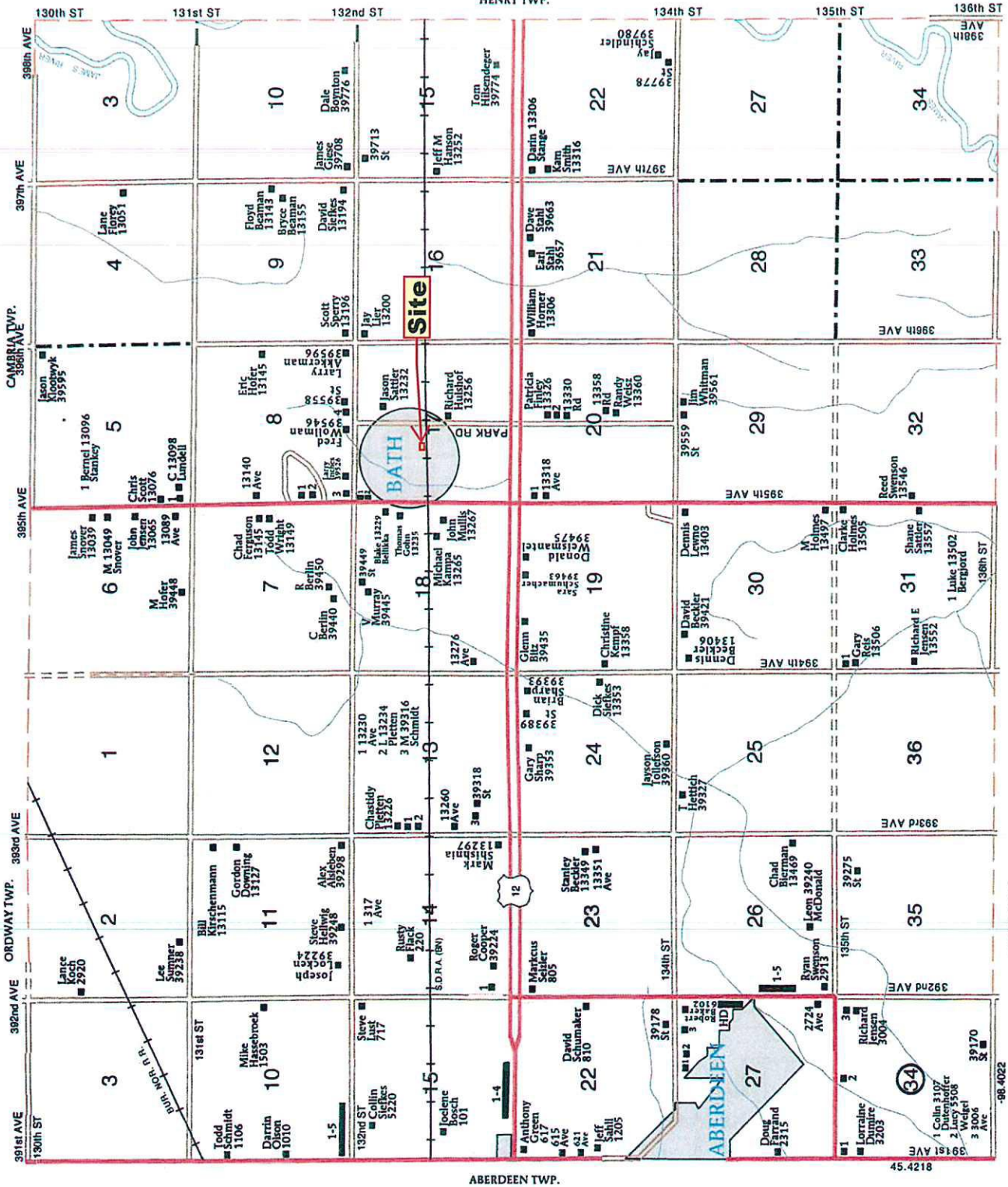
25 Market Street • Aberdeen, South Dakota 57401-4203

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



(Residents - Owners or Renters)

HENRY TWP.



**BATH TOWNSHIP**

**SECTION 8**

- 1 Haugen, James 13164
- 2 Kroil, John 13174
- 3 Monson, Steve 39510
- 4 Bruckner, David 39554

**SECTION 10W**

- 1 Bormemann, Kyle 5005
- 2 Dewey, Justin 5025
- 3 5091
- 4 Gross, Del 5115
- 5 Mathern, A 5219

**SECTION 15W**

- 1 5405
- 2 Eilers, Todd 5455
- 3 Ellingson, Malynn 5485
- 4 Gossman, S 5755

**SECTION 17**

- 1 Buechler, Jerry 13228
- 2 Wolf, Justyn 13230

**SECTION 20**

- 1 Westphal, Henry 13316
- 2 Rohrbach, Kevin 13328

**SECTION 26**

- 1 Beilikka, Daryl 2111
- 2 Kohhass, Paul 2135
- 3 Grisea, Doug 2215
- 4 Bjorklund, Richard 2317
- 5 Paulson, David 2519

**SECTION 27W**

- 1 Caton, Caleb 5256
- 2 Johnson, K 5950

## 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 January 16, 2024, at 7:00 P.M.

Petitioner / Owner: Aaron Dosch, Manager / Agtegra Cooperative

Description of property: Lot 2, "South Dakota Wheat Growers Railroad Addition" in the NW1/4 of Section 17-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (952 Railroad Avenue, Bath Twp.).

Reason: A Variance for Building Setbacks in a Rural Urban District (RU) to be 5'-0" from the South Rear Yard property line rather than 20'-0" required in Brown County Zoning Ordinances.

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

*Dated this 4th day of January, 2024*

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 \_\_\_\_\_.

(Ategra)

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"/>
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 <b>must</b> be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> Ategra would like to set the new storage shed on the same footings and foundation from one that was previously razed.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does <b>not</b> 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"/>

# CERTIFICATE OF SURVEY

SURVEYOR'S CERTIFICATION

TO: AGITEGRA COOPERATIVE

I, ZACHARY M. REMILY, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT THIS IS A CERTIFICATE OF SURVEY FOR:

LEGAL DESCRIPTION:

LOT 2, SOUTH DAKOTA WHEAT GROWERS RAILROAD ADDITION IN THE NW1/4 OF SECTION 17, TOWNSHIP 123 NORTH, RANGE 62 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA AND THAT THIS SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION.

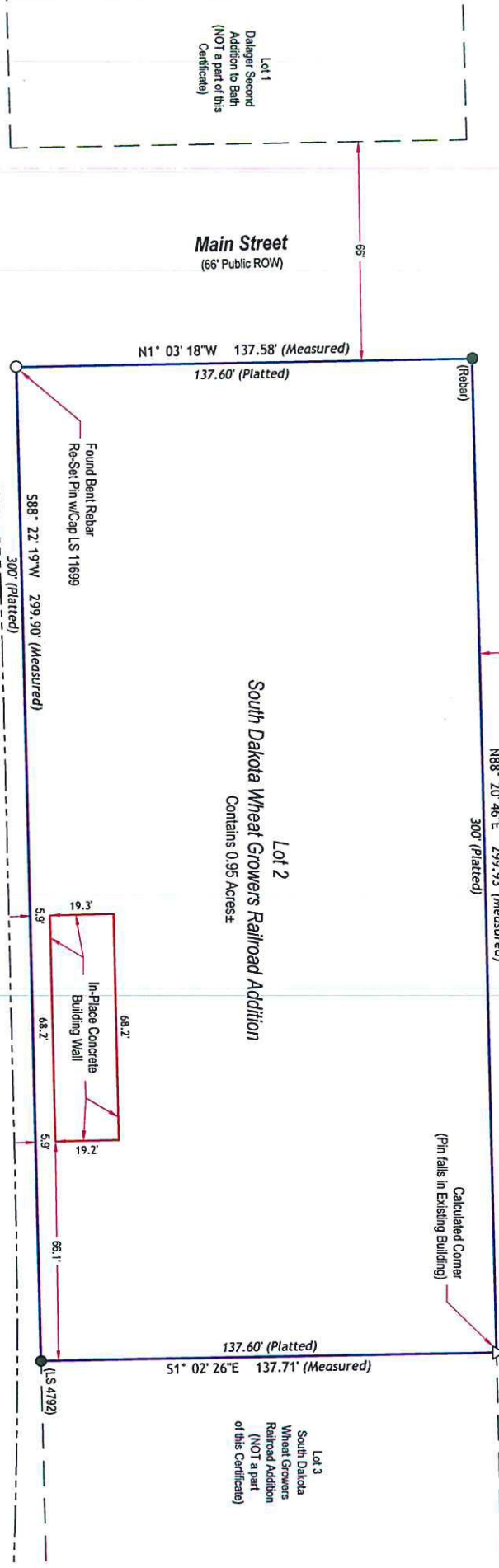
## BASIS OF BEARINGS

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

## LEGEND

- PIN FOUND (AS NOTED)
- PIN SET w/CAP LS 11699
- △ CALCULATED CORNER

12-30-2023

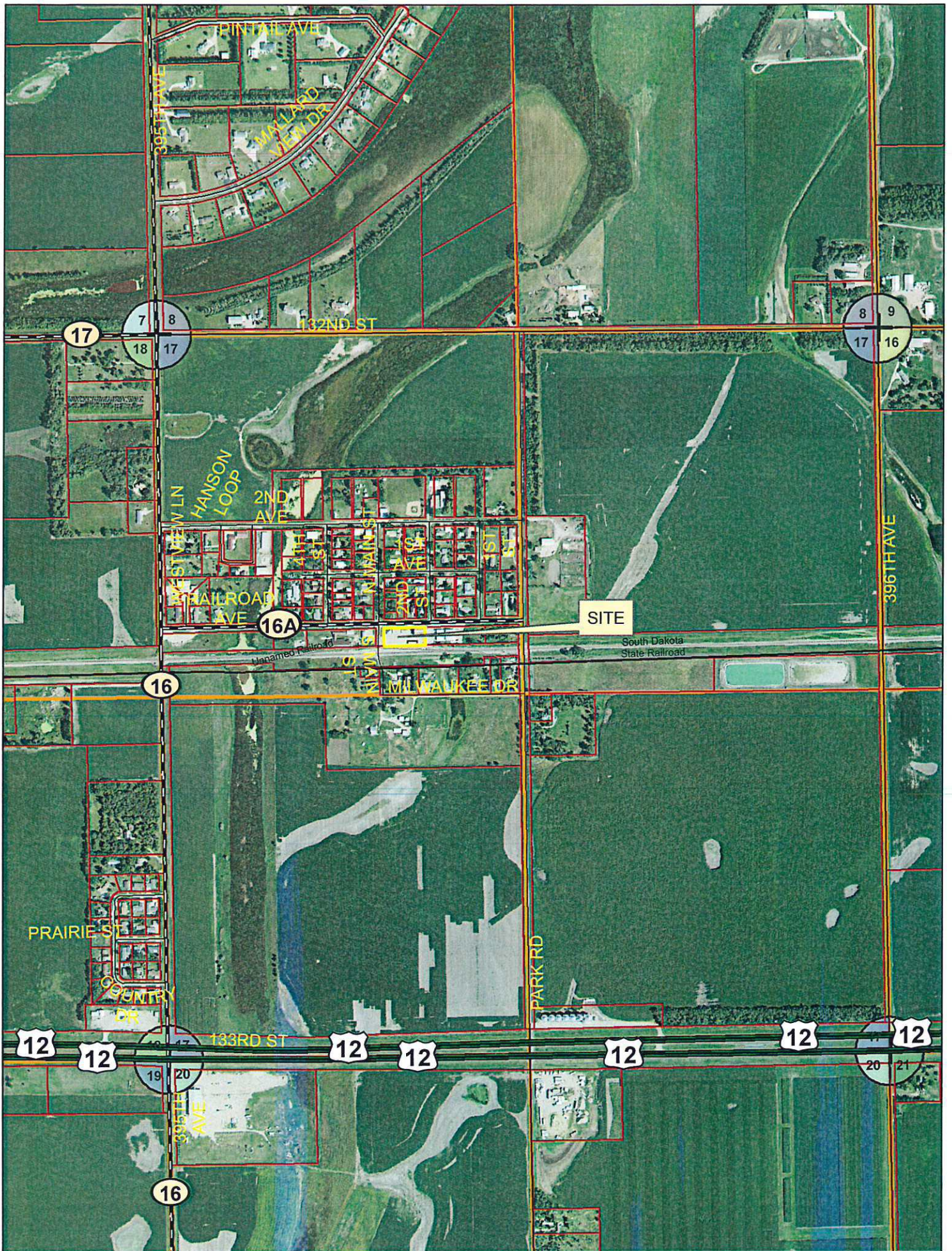


DRAWING SCALE



Prepared By:  
**Assurance**  
LAND SURVEYING

619 14th Avenue S, Faulkton, South Dakota 57438  
Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com  
Project No. ALS23163 Field Survey Date: 12-29-2023



PINEHILL AVE

395TH AVE

MAYLARD VIEW DR

132ND ST

WLN HANSON LOOP

2ND AVE

RAILROAD AVE

16A

MAIN ST

3RD AVE

4TH ST

5TH ST

6TH ST

7TH ST

SITE

Unamed Railroad

South Dakota State Railroad

16

MILWAUKEE DR

PRAIRIE ST

COUNTRY DR

PARK RD

133RD ST

12

12

12

12

12

12

12

16

395TH AVE

19

20

20

21



1ST AVE

N MAIN ST

2ND ST

16A

RAILROAD AVE

SITE

Unnamed Railroad

S MAIN ST

South Dakota State Railroad

MILWAUKEE DR

Agtegra Cooperative  
908 S Lamont Street  
Aberdeen SD 57401

Jerri Willard & Annette Stillson  
943 Railroad Avenue  
Bath SD 57427

Bath Township  
C/O David Bruckner  
39554 132<sup>nd</sup> Street  
Bath SD 57427

Steven & Cassandra Monson  
PO Box 544  
Bath SD 57427

John Dalager  
936 Railroad Avenue  
Bath SD 57427

Leo McCormick  
PO Box 462  
Bath SD 57427

Jerome & Maria Brandner  
PO Box 566  
Bath SD 57427

William Fluke  
2326 130<sup>th</sup> Street NW  
Aberdeen SD 57401

Jessica Pruitt & Daniel Hollis  
PO Box 434  
Bath SD 57427

Leo Horner  
PO Box 563  
Bath SD 57427

Mary Horner  
1701 Prospect Avenue SE  
Aberdeen SD 57401

Paul & Amy Rae Beaner  
PO Box 487  
Bath SD 57427

Michael & Stephanie Glynn  
935 Railroad Avenue  
Bath SD 57427

# LOCALiQ

Aberdeen News  
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

## PROOF OF PUBLICATION

Chris Anderson  
Brown County Auditor-Legals  
25 Market St Suite 1  
ABERDEEN SD 57401-4227

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

01/04/2024

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper. Sworn to and subscribed before on 01/04/2024

Keegan Moran  
Legal Clerk

Denise Roberts  
Notary, State of WI, County of Brown  
1-6-27

My commission expires

Publication Cost: \$19.50  
Order No: 9685102 # of Copies: 1  
Customer No: 556235  
PO #: Hearing 1/16

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

DENISE ROBERTS  
Notary Public  
State of Wisconsin

## 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 January 16, 2024, at 7:00 P.M.

Petitioner / Owner: Aaron Dosch, Manager / Agtegra Cooperative

Description of property: Lot 2, "South Dakota Wheat Growers Railroad Addition" in the NW1/4 of Section 17-T123N-R62W of the 5th P.M., Brown County, South Dakota (952 Railroad Avenue, Bath Twp.).

Reason: A Variance for Building Setbacks in a Rural Urban District (RU) to be

15'-0" from the South Rear Yard property line rather than 20'-0" required in Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 4th day of January, 2024

Planning/Zoning Commission and Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401

Office: (605) 626-7144  
Published Jan. 4, 2024, at the total approximate cost of \$11.11 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)



# STAFF REPORT

Meeting: January 16, 2024

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## *BROWN COUNTY PLANNING COMMISSION*

**REZONE PARCEL FROM:**

**ITEM #10**

*Mini-Agriculture District (M-AG) to Lake Front Residential District (R-3)*

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**GENERAL INFORMATION:**

**OWNER:**

Alvin & Nancy Haugen

**PETITIONER:**

Alvin & Nancy Haugen

**REQUEST:**

Rezone Parcel from Mini-Agriculture District (M-AG) to Lake Front Residential District (R-3)

**LEGAL DESCRIPTION:**

Lot 2, "Brock Fischer First Richmond Lake Addition" in the NE1/4 of Section 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota

**ADDRESS:**

127277 West Shore Drive

**CITY/TOWNSHIP:**

Ravinia Twp

**EXISTING ZONING**

Agriculture Preservation District (AG-P)

**SURROUNDING ZONING:**

North:

Mini-Agriculture District (M-AG)

South:

Mini-Agriculture District (M-AG)

West:

Agriculture Preservation District (AG-P)

East:

Lake Front Residential District (R-3)

**PUBLIC UTILITIES:**

WEB Water

**REPORTED BY:**

Chris Anderson

**GENERAL COMMENT:** The petitioner is requesting this Rezone to bring this parcel into compliance for its current use as requested by the Brown County Zoning Board of Adjustment.

**GENERAL REVIEW:** Staff has reviewed this request.

## NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the Basement Community Meeting Room, on January 16, 2024, at 7:00 P.M.

Petitioner: Alvin & Nancy Haugen

Description of property: Lot 2, "Brock Fischer First Richmond Lake Addition" in the NE1/4 of Section 23-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (127277 West Shore Drive; Ravinia Twp.).

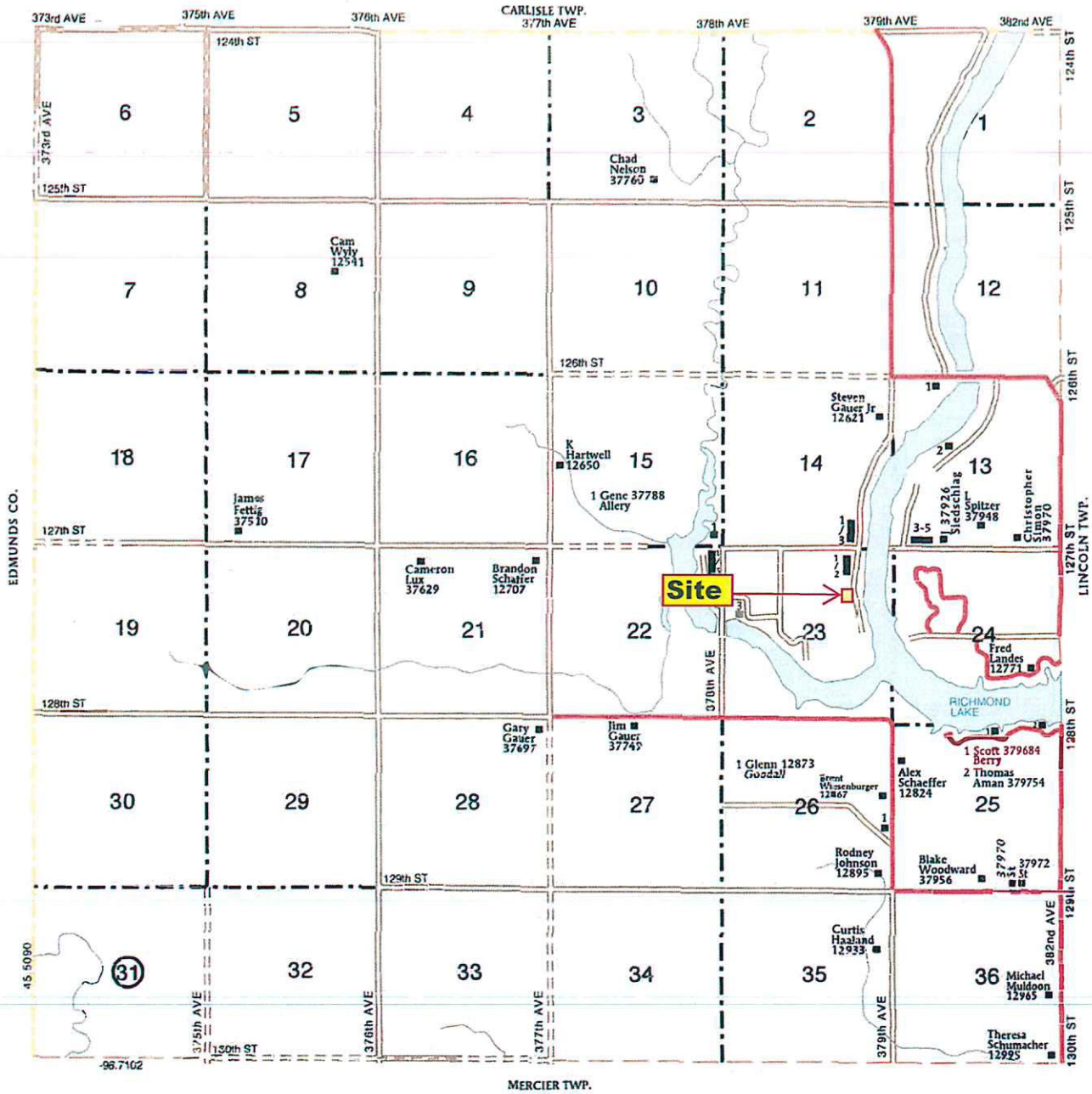
Reason: Rezone parcel from Mini-Agriculture District (M-AG) to Lake Front Residential District (R-3) to bring this parcel into compliance for its current use.

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 4th day of January 2024.

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 \_\_\_\_\_.



**RAVINIA TOWNSHIP**

**SECTION 13**

- 1 Kirchgaster, Jim 37935
- 2 Bahr, Jualln 126401
- 3 Peterson, L 37902
- 4 Wiest, Brandon 37906
- 5 Goldado, Gerald 37910

**SECTION 14**

- 1 Mishaw, Mark 126926
- 2 Lutz, Douglas 126956
- 3 126974

**SECTION 22**

- 1 Myhre, Gary 127003
- 2 Huber, S 127131
- 3 Millett, Craig 127151
- 4 Theyer, Dan 127257
- 5 Wahl, Lanny 127395

**SECTION 23**

- 1 127148
- 2 127216
- 3 Koatts, Pat 12746

**REZONE PETITION**

BROWN COUNTY COMMISSION  
25 MARKET ST  
ABERDEEN, SD 57401

Petition No: \_\_\_\_\_  
Date: \_\_\_\_\_  
Receipt: 821862  
Filing Fee: \$350  
(non-refundable)

Brown County Commission Members:

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

Legal Description:

Lot 2, "Brock Fischer First Richmond Lake Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 127277 West Shore Drive  
From the Mini-Agriculture (M-AG) District  
To the Lake Front Residential (R-3) District

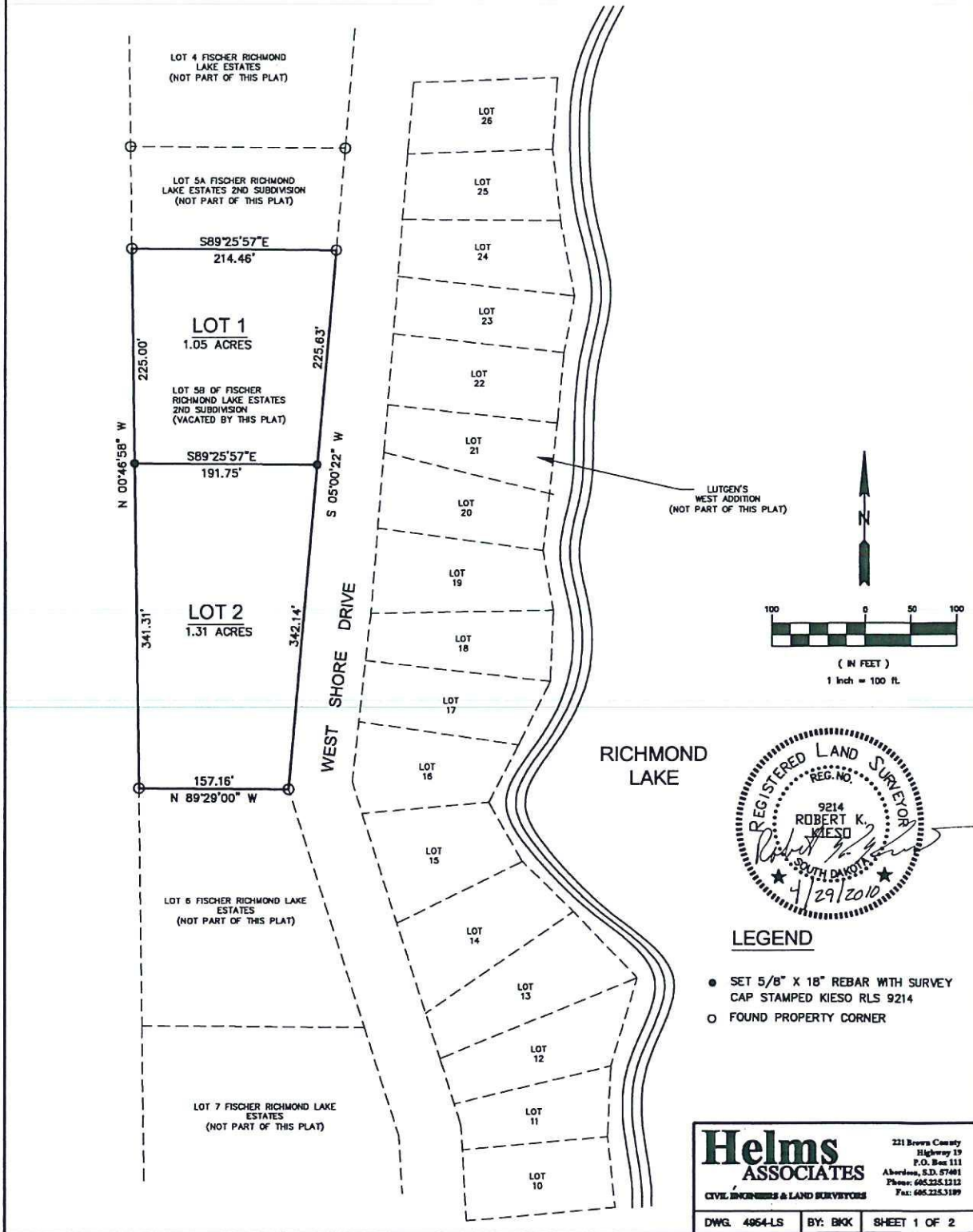
Purpose: To Bring into Compliance  
Size of Parcel: 1.31 Acres  
Existing Land Use: Mini-Agriculture

Petitioner: (Print) Alvin & Nancy Haugen  
Signature: *Alvin Haugen*  
Date: 12/29/2023 Phone: 605-216-4767 (Nancy)  
Address: 3630 Rolling Meadows Drive  
Aberdeen SD 57401  
City State Zip

Owner: (Print) Alvin & Nancy Haugen  
Signature: *Alvin Haugen*  
Date: 12/29/2023 Phone: 605-216-4767 (Nancy)  
Address: 3630 Rolling Meadows Drive  
Aberdeen SD 57401  
City State Zip

Additional Signatures may be submitted on a separate page.

# PLAT OF BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA



### LEGEND

- SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- FOUND PROPERTY CORNER

**Helms ASSOCIATES**  
CIVIL ENGINEERS & LAND SURVEYORS

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

#6617

# PLAT OF BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W 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 BROCK FISCHER AS OWNER, AND UNDER HIS DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO APRIL 29, 2010, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W 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 29 DAY OF April, 2010

Robert K. Kieso  
ROBERT K. KIESO RLS #9214

**OWNER'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED (PREVIOUSLY DESCRIBED AS LOT 58 FISCHER RICHMOND LAKE ESTATES 2ND SUBDIVISION), SHALL HEREAFTER BE KNOWN AS: BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND I HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.  
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 3 DAY OF MAY, 2010

Brock Fischer  
BROCK FISCHER

**DECLARATION OF VACATION**

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF FISCHER RICHMOND LAKE ESTATES 2ND SUBDIVISION (LOT 58) AS RECORDED ON PLAT 2355 H, ON SEPTEMBER 28, 2007 IN THE BROWN COUNTY, REGISTER OF DEEDS OFFICE.  
THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 3 DAY OF MAY, 2010

Brock Fischer  
BROCK FISCHER

**ACKNOWLEDGEMENT**

STATE OF SD  
COUNTY OF Brown  
ON THIS THE 3 DAY OF May, 2010, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED BROCK FISCHER KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON(S) WHOSE NAME(S) (IS/ARE) SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT (HE) EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.  
IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

Jeanette Muehl  
NOTARY PUBLIC, Brown COUNTY  
MY COMMISSION EXPIRES: 3-16-11

**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 10 DAY OF May, 2010

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W 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."

H. B. Baker  
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 25 DAY OF May, 2010

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BROCK FISCHER FIRST RICHMOND LAKE ADDITION IN THE NE 1/4 SECTION 23-T124N-R65W 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."

Marianne Taylor  
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

**HIGHWAY AUTHORITY CERTIFICATE**

THE LOCATION THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

Jan Wasson  
HIGHWAY AUTHORITY  
TITLE: Superintendent

**DIRECTOR OF EQUALIZATION'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS 4th DAY OF May, 2010

Perry Reich  
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 10 DAY OF May, 2010

Marianne Deputy  
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

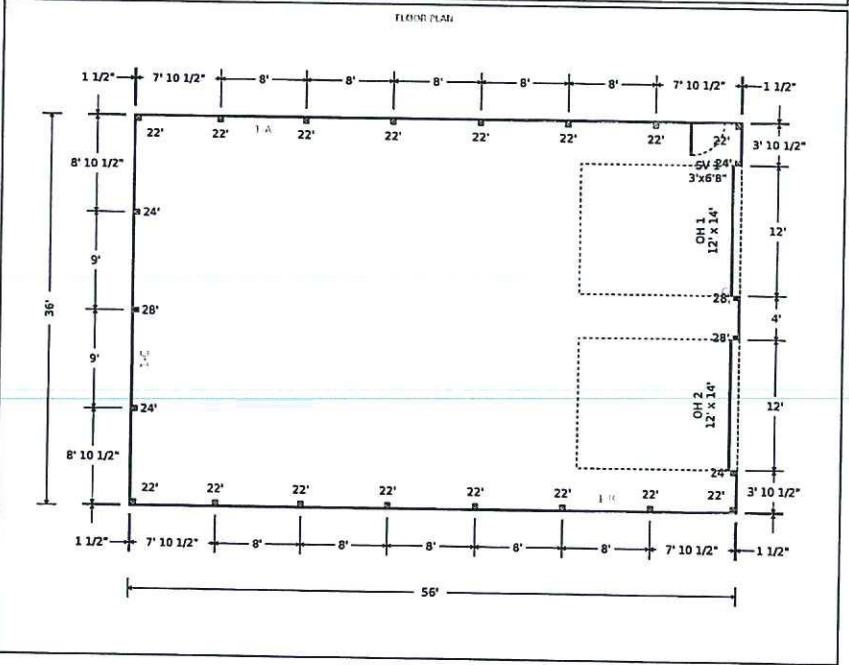
**REGISTER OF DEED'S CERTIFICATE**

FILED FOR RECORD THIS 25 DAY OF May, 2010 AT 1:40 O'CLOCK P.M. AND DULY RECORDED IN HANGING PLATS NO. 2637H THEREIN.

Marianne Malsom Deputy  
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

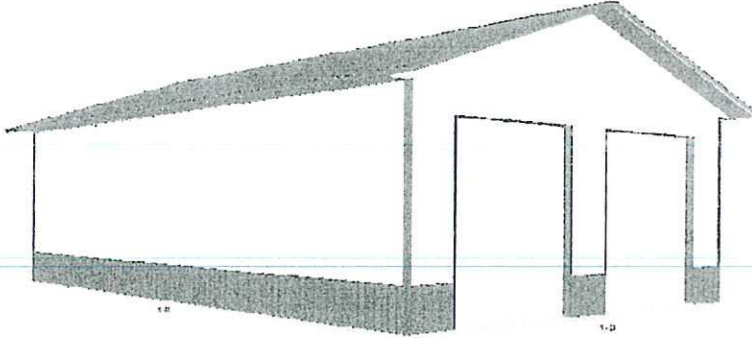
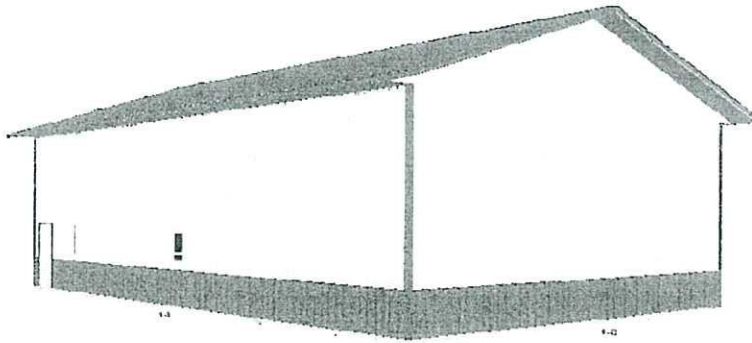
Date: 11/16/2023 Brown County Planning & Zoning Variance Request  
 Name: Alvin Haugen  
 Address: 127228 West Shore Dr. Aberdeen, SD 57401  
 Phone: (605) 380-8156  
 Description: Building of Storage Shed Size: 36'x56'x16'  
 Contractor: Dylan Binger  
 Estimated price: \$65,000\*Today's estimated price, future pricing may go up or down.

<p><b>Variations Requested:</b></p> <ol style="list-style-type: none"> <li>1). No primary residence - allowance of cold storage shed only</li> <li>2). 50 foot set back variance - allowance of building within 50 feet of the East property line. 50' vs. 100'</li> </ol> <p><b>Legal description of property:</b>        Lot 2 of Brock Fischer First Richmond Lake Addition in the NE 1/4 of Sec. 23, T. 124 N., R. 65 West of the 5th P.M., Brown County, South Dakota</p>	<p><b>Lot Dimensions:</b></p> <p>South end 157'        North end 191'        West side 341'        East side 342'</p>
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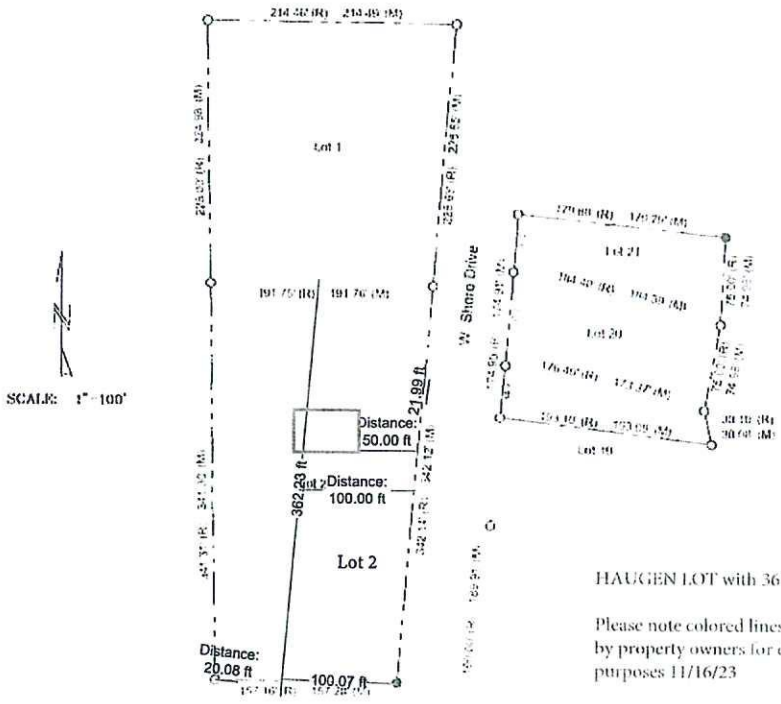


Haugen Shed Variance Request  
Nov 16, 2023

Elevation Views







HAUGEN LOT with 36' x 56' SHED  
 Please note colored lines were added by property owners for display purposes 11/16/23

**LEGAL DESCRIPTION**

North Half of Lot 19 Lots 20 & 21 of Lutgens West Addition in the NE 1/4 of Sec 23 T 124 N R 65 West and Lots 1 & 2 of Brock Fischer First Richmond Lake Addition in the NE 1/4 of Sec 23, T 124 N R 65 West of the 5th P.M., Brown County, South Dakota

**LEGEND**

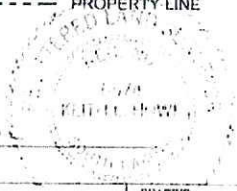
- FOUND MONUMENT
- SET MONUMENT
- 5/8" Rebar / Cap
- PROPERTY LINE

**SURVEYORS AFFIDAVIT**

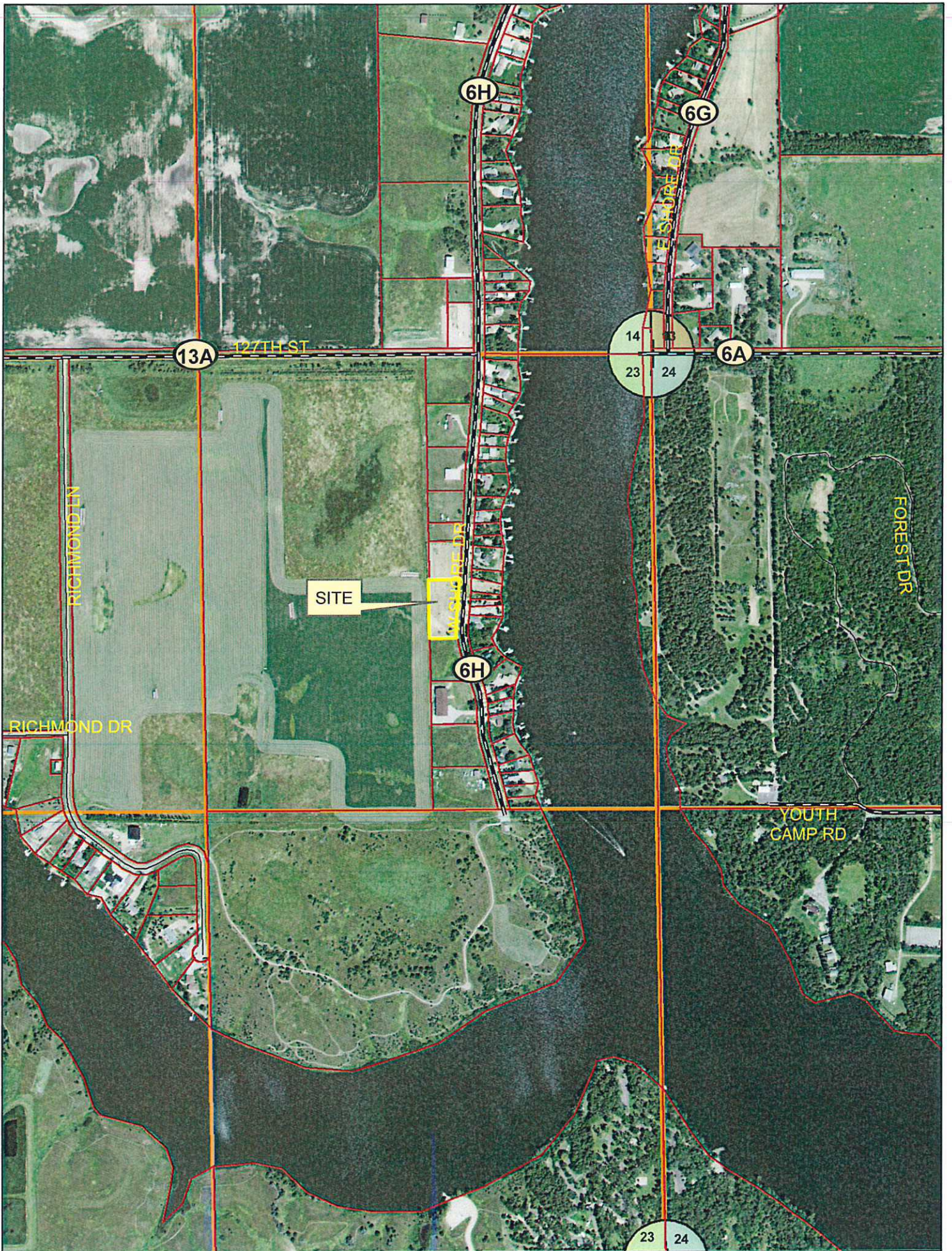
I, Keith L. Howe, do hereby certify that I am a Licensed Land Surveyor in and for the State of South Dakota. I prepared this exhibit on June 15, 2022, in general conformance with accepted standards of practice. In my professional opinion and to the best of my knowledge, information and belief, this drawing correctly shows the location of the described property.

Dated this 15th day of June, 2022

*Keith L. Howe*  
 Registered Land Surveyor #SD 6574



HS	SCALE: 1"=100'	<b>HAUGEN LOT SURVEY</b>	DRAWING
	JOB NO: 2022-170		L
	DRAWN: KLH		
CHECKED: KLH	127228 W Shore Drive, Aberdeen, SD		
HOWE SURVEYING LLC 43501 126TH STREET ROSLYN, SD 57261 (605) 486-4801			07/5/2022





SITE

W SHORE DR

6H

Alvin & Nancy Haugen  
3630 Rolling Meadows Drive  
Aberdeen, SD 57401

Ravinia Township  
C/O Timothy Serr  
127215 W Bridge Road  
Aberdeen, SD 57401

B & B Real Estate LLC  
723 Commerce Street  
Aberdeen, SD 57401

Allen & Joyce Beckler  
127298 W Shore Drive  
Aberdeen, SD 57401

Roger D Cooper Rev. Trust  
39224 133<sup>rd</sup> Street  
Aberdeen, SD 57401

Gary & Lavonne Reuer  
14738 320<sup>th</sup> Avenue  
Hoven, SD 57450

Patrick & Debra Mehlhaff  
127446 W Shore Drive  
Aberdeen, SD 57401

# LOCALiQ

Aberdeen News  
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

## PROOF OF PUBLICATION

Chris Anderson  
Brown County Auditor-Legals  
25 Market St Suite 1  
ABERDEEN SD 57401-4227

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

01/04/2024

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper. Sworn to and subscribed before on 01/04/2024

Keegan Moran  
Legal Clerk  
Notary, State of WI, County of Brown  
3/7/27  
My commission expires

Publication Cost: \$22.40  
Order No: 9683527 # of Copies: 1  
Customer No: 556235  
PO #:

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

KAITLYN FELTY  
Notary Public  
State of Wisconsin

## NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the Basement Community Meeting Room, on January 16, 2024, at 7:00 P.M.  
Petitioner: Alvin & Nancy Haugen  
Description of property: Lot 2, "Brock Fischer First Richmond Lake Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127277 West Shore Drive; Ravinia Twp.).  
Reason: Rezone parcel from Mini-Agriculture District (M-AG) to Lake Front Residential District (R-3) to bring this parcel 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 4th day of January 2024.  
Planning/Zoning Commission and Scott Bader - P&Z Director  
25 Market Street  
Aberdeen, SD 57401  
Office: (605) 626-7144  
Published January 4, 2024, at the total approximate cost of \$22.40 and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).