

# MINUTES

## REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY JULY 15, 2025 - 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, Stan Beckler, Chairman, David North Vice-Chairman, County Commissioner Michael Gage (*who serves on this Board per SDCL 11-2-2*), James Meyers, Carrie Weisenburger, Dale Kurth, Pat Keatts. Paul Johnson (*Alternate P&Z Commissioner*), Deputy State's Attorney Ross Aldentaler, staff members, Scott Bader, Ron Keller and Chris Anderson were also in attendance for the meetings.
- III. **Agenda:** After discussion, Gage moved and Kurth seconded to approve the July 15, 2025, Planning/Zoning Commission Agenda as presented. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Weisenburger moved and North seconded to approve June 17, 2025, Planning/Zoning Commission Minutes with a correction to add Beckler to the roll call, all members voted aye; motion carried.
- V. **Old Business:**
  - 1) Sign-up Sheet: On the table by the door entrance, there is a Sign-up Sheet. Please print legibly and mark YES or NO if you want to speak to the Board on any Agenda Item.
  - 2) Anyone that has submitted a Variance Petition (VP) or Conditional Use Petition (CUP) 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. Penalties may be assessed by Ordinance when starting projects without proper permits in place.
- VI. **New Business:** *Planning/Zoning Commission as Zoning Board of Adjustment (BOA)*
  - 1) **Conditional Use Petition (CUP)** in an Agriculture Preservation District (AG-P) described as the E1/2 of the NE1/4 of Section 10-T124N-R64W, except land platted, of the 5<sup>th</sup> P.M., Brown County, South Dakota (approx. 38581 125<sup>th</sup> Street; Lincoln Twp.). Submitted by NuStar Energy. JR Munson -NuStar Energy, Barb Crawford and David Crawford were in attendance for this item. Following discussion on Findings of Facts (FoF), Gage moved, North seconded to **approve the Finding of Facts (FoF)** as presented. Also following discussion, Gage moved, North seconded to **approve the Conditional Use Petition (CUP)** for a proposed valve site enclosure with a 50' x 25' perimeter fence. All members voted aye, motion carried.
  - 2) **Conditional Use Petition (CUP)** in a Lake Front Residential District (R-3) described as Lots 1 thru 5, "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 (37590, 37592, 37594, 37596 & 37598 Pelkofer Drive; Palmyra Twp.). Submitted by John Funk. John Funk was in attendance for this item. Following discussion on Findings of Facts (FoF), Kurth moved, Meyers seconded to **approve the Finding of Facts (FoF)** as presented. Scott Bader mentioned that he had a phone conversation with Aaron Donut on this project and Scott discussed the importance of recording sewer piping easements in the Register of Deeds office for Lots 1-5 and Lot A since the piping is crossing property lines. Also following discussion, Kurth moved, Meyers seconded to **approve a Conditional Use Petition (CUP)** in a Lake Front Residential District (R-3) for 5 residential structures for seasonal rental. All members voted aye, motion carried.

- 3) **Conditional Use Petition (CUP)** in a Residential District (R-1) but proposed Highway Commercial District (HC) described as the 500' west of the east 700' of the north 658' in the NW1/4 of Section 11-T123N-R64W, except highway R.O.W. and except H-1, of the 5<sup>th</sup> P.M., Brown County, South Dakota (1421 24<sup>th</sup> Ave NW; Aberdeen Twp.). Submitted by Jeff Evenson. Jeff Evenson and Dennis Volzke were in attendance for this item as well as audience members Marlys Volzke, Lauren Volzke, Joseph Volzke, Victor Fischbach, Sheri Larson, Joe & Angela Kokales, Shelly Luond, Nathan Wileman, Jeff Catron, Mike Oseiler, Perry Deutsch, Bryon & Carol Hilgeman, Bruce & Diane Tollefson, Jerry McNeary and Ken Hubbart. Following discussion on Finding of Facts (FoF), Meyers moved, Weisenburger seconded to **approve the Finding of Facts (FoF)** as presented. Also following Discussion, Meyers moved, Weisenburger seconded to **approve Conditional Use Petition (CUP) with a stipulation** that the property must be approved to be rezoned to Highway Commercial District (HC) for this commercial business to continue at this location. All members voted aye, motion carried.

**Explanation:** The current zoning of this parcel is zoned Residential District (R-1) and the current use on this parcel is Commercial.

1. There is not a principal structure (residential house) on this parcel for the existing accessory structure in an R-1 District which currently makes the parcel non-compliant.
2. There are two (2) existing commercial businesses operating out of the existing steel building in this R-1 District which also makes the property non-compliant.
3. If the required Rezone to Highway Commercial District (HC) does not get approved by both the Planning Commission and the Board of County Commissioners, this Conditional Use Petition (CUP) will not be approved because of the stipulation and non-compliance.

- 4) **Conditional Use Petition (CUP)** in a Residential District (R-1) but proposed Highway Commercial District (HC) described as the 500' west of the east 700' of the north 658' in the NW1/4 of Section 11-T123N-R64W, except highway R.O.W. and except H-1, of the 5<sup>th</sup> P.M., Brown County, South Dakota (1421 24<sup>th</sup> Ave NW; Aberdeen Twp.). Submitted by Dennis Volzke. Dennis & Marlys Volzke, Lauren Volzke, Joseph Volzke and Victor Fischbach (attorney) were in attendance for this item as well as audience members Sheri Larson, Joe & Angela Kokales, Shelly Luond, Nathan Wileman, Jeff Catron, Mike Osweiler, Perry Deutsch, Bryon & Carol Hilgeman, Bruce & Diane Tollefson, Jerry McNeary and Ken Hubbart. Following discussion on Finding of Facts (FoF), Gage moved, Weisenburger seconded to **approve the Finding of Facts (FoF)** as presented. Also following Discussion, Gage moved, Weisenburger seconded to **approve the Conditional Use Petition (CUP) with the following stipulations:**
1. To allow the use of the existing steel building inside the easterly portion for storage and packaging of Volzke's patented LDV Plugs.
  2. To allow the use of the existing steel building inside the easterly portion for repairs/storage of heavy equipment for personal use and not repair others equipment.
  3. To allow up to five (5) "hauling trailers" to be parked outside in the existing tree line area to the south side of the lot.

4. To allow five (5) “hauling trailers” that may have “roll-offs” and heavy equipment on the trailers for short time period and then hauled away.
5. Plant a two-row Tree Belt along the east property line of the north lot running north to south inside your private property.
6. Plant a two-row Tree Belt along the west property line of the north lot running north to south inside your private property.
7. Plant a two-row Tree Belt along the north property line of the north lot from the NW property corner pin going easterly to the west approach inside your private property and not in the highway right-of-way.
8. Plat the south lot and the north lot into one lot because the south lot is currently land locked without access. The State will not grant another approach in this area from U.S. Hwy #281. If the city of Aberdeen dedicates their land to an eighty foot (80’) public right-of-way along with a street name that will give you access into the south lot from that right-of-way, you will not be required to plat the two parcels together.
9. If the required Rezone to Highway Commercial District (HC) does not get approved by both the Planning Commission and the Board of County Commissioners, this Conditional Use Petition (CUP) will not be approved because of the stipulation to rezone and the non-compliance of the land and use.
10. Both lots are currently zoned Residential District (R-1) but propose a Rezone to Highway Commercial District (HC).

Member voting was Weisenburger-aye, Kurth-aye, Keatts-aye, Gage-aye, North-aye, Meyers-abstained, motion carried.

Submitted by: Planning/Zoning Director Scott Bader.

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

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# ***MINUTES***

## ***REGULAR SCHEDULED MEETING***

### ***BROWN COUNTY PLANNING/ZONING COMMISSION***

*TUESDAY, JULY 15, 2025 - 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 postponed until further notice, by Ross Aldentaler, Deputy States Attorney.
  - 1) **Rezone Petition** for a property described as the 500’ west of the east 700’ of the north 658’ in the NW1/4 of Section 11-T123N-R64W, except H-1, and Lot C, Block 12, “Wylie Park Estates 5<sup>th</sup> Addition” in the N1/2 of Section 11-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (1421 24<sup>th</sup> Avenue NW & 1920 N Hwy 281; Aberdeen Twp.) to be rezoned from Residential District (R-1) to Highway Commercial District (HC). Submitted by Dennis Volzke. Dennis & Marlys Volzke, Lauren Volzke, Joseph Volzke and Victor Fischbach (attorney) were in attendance for this item as well as audience members Sheri Larson, Joe & Angela Kokales, Shelly Luond, Nathan

Wileman, Jeff Catron, Mike Osweiler, Perry Deutsch, Bryon & Carol Hilgeman, Bruce & Diane Tollefson, Jerry McNeary and Ken Hubbard. Following discussion, Gage moved, Keatts seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners. All members voted aye, motion carried.

**II. New Business:** *Brown County Planning/Zoning Commission as [Planning Commission](#).*

**10) Rezone Petition** for a property described as Lot 1, “Brick Subdivision” in the SE1/4 of Section 31-T122N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (14177 375<sup>th</sup> Avenue; Highland Twp.) to be rezoned from Agriculture Preservation District AG-P) to Mini-Agriculture District (M-AG). Submitted by Roger Pic. No one was in attendance for this item. Following discussion, North moved, Meyers seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners. All members voted aye, motion carried.

**11) Rezone Petition** for a properties described as Lots 1 thru 4, 6, 8, 9, 10, Block 1; Lot 2, Block 4; Lot 1, Block 2; Lot 1 thru 6, Block 3, all of “Mina Lake Northeast Addition” in the S1/2 of Section 7-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13147, 13151, 13155, 13159, 13163, 13167, 13174, 13178, 13182, 13186 N Sunrise Drive; 37334 & 37345 Dusk Drive; 13135, 13184 & 13193 Feickert Drive; 37344 132<sup>nd</sup> Street; Mercier Twp.) to be rezoned from Mini-Agriculture District (M-AG) to Lake Front Residential District (R-3), Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) & Agriculture Preservation District (AG-P) to Lake Front Residential District (R-3). Submitted by Carl Hanson. John & Lesley Braun were present for this item. Following discussion, Meyers moved, Weisenburger seconded to **recommend approval of the Rezone Petition** to the Board of Brown County Commissioners. All members voted aye, motion carried.

**12) Preliminary & Final Plat** for financial purposes on a property described as “WW Rental First Addition to the City of Columbia” in the NE1/4 of Section 29-T125N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (22 N James Street; Columbia City). Submitted by WW Rentals. No one was in attendance for this item. Following discussion, Weisenburger moved, Keatts seconded to **recommend approval of the Preliminary & Final Plat** to the Board of Brown County Commissioners, all members voting aye, motion carried.

**III. Other Business:** None

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

Submitted by: Planning/Zoning Director Scott Bader.