

BOARD OF ZONING ADJUSTMENT
January 9, 2020

The Board of Zoning Adjustment Meeting was held on Thursday, January 9, 2020 in the Aberdeen City Hall, First Floor Council Chambers, Aberdeen, South Dakota with Babcock presiding as Chairman. Chairman Babcock called the meeting to order. Members present at roll call were Weigel, VanDeRostyne, Babcock, Grebner, and Schumacher. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbard, City Planner, Eric Miller, City Planner, Barry Dunlavy, Building Inspector, George Jones, GIS Technician, David Dosch, Code Enforcement Officer, Chris Brick, Building Inspector, and Stuart Nelson, Assistant City Engineer.

Grebner moved and Schumacher seconded to approve the Board of Zoning Adjustment minutes of December 12, 2019, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Krista Christianson and Wagner Holdings, LLC requested permission, as per site plan submitted, to operate a daycare center, which would be an Appeal to the Board of Zoning Adjustment in the (I-2) Unrestricted Industrial Zoning District, all on Lot 1, Votech Center First Subdivision, a.k.a. 640 Ninth Avenue SW. There being no representative present this item was moved to the end of the agenda.
- 2) Kendra Hengen requested permission, as per site plan submitted, for existing residence to remain 3.5' from the South property line rather than the required 5', which would be a 1.5' Building Variance, all on Lot 3, Keyland Replat of Block 17, Smiths Addition to Aberdeen, a.k.a. 915 State Street S. Kendra Hengen was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 3) Delbert Dutenhoffer requested permission, as per site plan submitted, to construct an apartment building 1) 30' from the North property line rather than the required 35', which would be a 5' Building Variance or 2) 25' from the South property line rather than the required 30', which would be a 5' Building Variance, all on Lot 1, Block 1, D&G Tenth Subdivision in Roosevelt Crystals Subdivision, a.k.a. 2012 Prospect Avenue SE. Delbert Dutenhoffer & Mike Dutenhoffer were present to represent the property. Matt Pearson of 2011 Prospect Ave SE was present and spoke in opposition to item #1, but was in favor of item #2. Following discussion VanDeRostyne moved and Grebner seconded to approve item #1, all members voting nay, the motion failed. **BUILDING VARIANCE DENIED** . Following further discussion Grebner moved and Weigel seconded to approve item #2 with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to commencing, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .

- 4) Justin Kiefer requested permission, as per site plan submitted, for 1) existing residence to remain .5' from the East property line rather than the required 8', which would be a 7.5' Building Variance and 2) to construct a 30'x38' accessory structure with 14' sidewalls rather than the permitted 10', which would be a 4' Maximum Sidewall Height Variance, all on Lot 1, CBPS Consolidation Subdivision in Hyde & Lockington Subdivision, a.k.a. 206 Seventeenth Avenue SE. Justin Kiefer was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve item #1 with the stipulation that it may not be enclosed or replaced at the same location. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** . Following further discussion VanDeRostyne moved and Grebner seconded to deny item #2. Upon roll call, Weigel-aye, VanDeRostyne-aye, Babcock-aye, Grebner-nay, Schumacher-aye (4-aye,1-nay), the motion carried. **MAXIMUM SIDEWALL HEIGHT VARIANCE DENIED** .
- 5) KKF, LLC requested permission, as per site plan submitted, to construct an addition across East lot line in order to connect to a building on an adjoining lot, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Ken's Supermarket First Addition, a.k.a. 2105 Sixth Avenue SE. Darren Dell of Huff Construction was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) An easement must be granted from Schwan Financial to Ken's for the encroachment/structural attachments to building and filed with Brown County Register of Deeds prior to permitting, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .
- 1) Krista Christianson and Wagner Holdings, LLC requested permission, as per site plan submitted, to operate a daycare center, which would be an Appeal to the Board of Zoning Adjustment in the (I-2) Unrestricted Industrial Zoning District, all on Lot 1, Votech Center First Subdivision, a.k.a. 640 Ninth Avenue SW. Krista Christianson was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) Any provided yard/play area must be maintained as a fenced in area. Fence must be installed by June 1st, 2020, 2) A floor plan must be approved for review showing the location used for childcare, 3) This special exception is for Krista Christianson, as long as she is the owner/operator of the proposed use, 4) Krista Christianson must adhere to any state licensing or registration requirements and remain in good standing at all times, 5) The operator must schedule a home inspection with the Building Inspection Department and/or the Fire Marshal in order to verify that Building and Fire Code requirements are met, and any required changes or modifications must be made, and 6) Any construction or remodeling must be approved and permitted prior to construction. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .

Weigel moved and Grebner seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
January 9, 2020