

BOARD OF ZONING ADJUSTMENT
January 11, 2018

The Board of Zoning Adjustment Meeting was held on Thursday, January 11, 2018 in the Aberdeen City Hall, First Floor Council Chambers, Aberdeen, South Dakota with Weigel presiding as Acting Chairman. Chairman Weigel called the meeting to order. Members present at roll call were VanDeRostyne, Grebner, Schumacher, and Weigel. Babcock was absent. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbard, City Planner, Chad Nilson, Building Inspector, Shane Smith, Code Enforcement Officer, David Dosch, Code Enforcement Officer, George Jones, GIS Technician, Barry Dunlavy, Building Inspector, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Grebner moved and Schumacher seconded to approve the Board of Zoning Adjustment minutes of December 14, 2017, all members voting aye, the motion carried.

- 1) Lichi Hsueh requested permission, as per site plan submitted, to 1) permit an accessory structure that does not comply with the adopted building codes of the City of Aberdeen, which would be an Appeal to the Board of Zoning Adjustment and 2) to permit an accessory structure that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, and 3) to construct a 288sf accessory structure in addition to an existing 240sf accessory structure for a total of 528sf rather than the permitted 327sf, which would be a 201sf Accessory Structure Lot Coverage Variance and 4) to construct a 12'x24' accessory structure 2' from the South property line rather than the required 5', which would be a 3' Building Variance, all on Lot 631, Morning Heights Addition, a.k.a. 815 Wells Street S. There being no representative present this item was moved to the end of the agenda.
- 2) Aberdeen Christian School requested permission, as per site plan submitted, to install a 263sf wall sign in addition to existing 280sf, for a total of 543sf rather than the permitted 36sf, which would be a 507sf Total Sign Size Variance, all on Proposed Lot 1, Aberdeen Christian School-Avera Addition, a.k.a. 1500 Highway 281 N. Eric Kline was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the stipulation that a sign permit must be obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **TOTAL SIGN SIZE VARIANCE APPROVED .**
- 3) GPHC, LLC requested permission, as per site plan submitted, to permit the open storage of vehicles for sale or rent, which would be a Special Exception in the (C-3) Central Business District, all on Lots 3-4, Block 10, North Aberdeen Addition, a.k.a. 115 Main Street N. Tim Rich was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) The remainder of property must be paved and landscaped to comply with city ordinance, 2) All vehicles must be licensed, operable and available for sale or rent, 3) Special Exception is for GPHC, LLC only, as long as they are the owner/operator of proposed use, 4) No junk or salvage vehicles, parts, materials, etc. may be stored outside, 5) Property must be platted into one lot with adjacent property to south, 6) All vehicles must be stored/displayed in paved parking areas only, 7) Property must be maintained in a neat and orderly manner at all times, and 8) The maximum number of vehicles stored may not exceed the designated 10 x 20 parking stalls. Upon roll call, all

members voting aye, the motion carried. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 4) Wagner Holdings, LLC and Premier Auto requested permission, as per site plan submitted, to permit the open storage, parking and sale of junk, unlicensed or inoperable vehicles, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 1, Second Overpass Addition, a.k.a. 103 Second Street N. Mike Jepsen was present to represent the property and stated he would like to withdraw this item and plans to adhere to the previously granted Special Exception and all its stipulations. No action taken on this item.
- 5) Marlene Kessler requested permission, as per site plan submitted, to appeal the notice and order to demolish all structures located on the property as ordered by the Code Enforcement Department, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Block 8, Fifteenth Addition to Highland North Addition, a.k.a. 1916 Jay Street N. There being no representative present this item was moved to the end of the agenda.
- 6) Eldon Wahl requested permission, as per site plan submitted, to operate a commercial feedlot in a (M-Ag) Mini-Agricultural Zoning District, which would be an Appeal to the **Board of Zoning Adjustment, all on Eisenbeisz Outlot 1 in the SE¼ Sect. 26-T124N-R64W, a.k.a. 38686 129th Street.** Eldon Wahl was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve this appeal for a maximum of 90 days from today with the following stipulations: 1) At the end of 90 days, this Appeal becomes void and all livestock shall be transferred to the property being purchased in North Dakota (as referenced on submitted Purchase Agreement), and 2) If the closing of the land being purchased in North Dakota is not completed by March 9th, all livestock over the allowable limits must be removed from the property immediately. Neighboring property owners, Jessica Rychlich, Robert Larson, Jeff Cassanova, and Sharon Garrett expressed concerns about this property as it exists currently, and that they would not be in favor of a long-term approval of this Appeal. Upon roll call, all members voting aye, the motion carried. **TEMPORARY APPEAL APPROVED** .

Bob Babcock entered meeting at this time.

- 7) WIPT, Inc. requested permission, as per site plan submitted, to permit the open storage, parking and sale of tractors, semi-trucks, cars and similar vehicles, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 1, Swanson Electric Addition, a.k.a. 1702 Sixth Avenue SW. Joe Fischer was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) All vehicles must be licensed, operable and available for sale or rent, 2) No more than one vehicle per 10' x 20' parking stall and no storage in any required parking stall for customer or employee parking, 3) No junk, parts, salvage, etc. may be stored outside, 4) No more than 20 vehicles stored at any given time, 5) No illegal or unpermitted signs on property, 6) This special exception is for Power Truck Center only as long as they are owner/operator of proposed use, 7) Property must be maintained in a neat and orderly manner at all times, and 8) No storage on adjacent property to the East or West by this applicant.

Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 8) Loeb Investments, Inc. requested permission, as per site plan submitted, to construct a 3'8"x6'9" addition to an existing freestanding sign 10' from the East property line rather than the permitted 20', which would be a 10' Sign Setback Variance, all on Lot 3, Industrial Addition, a.k.a. 1106 Fifth Street S. Gerald Loeb was present to represent the property. Following discussion VanDeRostyne moved and Schumacher seconded to deny, all members voting nay, the motion failed. Following discussion Grebner moved and Babcock seconded to approve with the following stipulations: 1) A sign permit must be obtained prior to installation, and 2) All codes regulating EMC's must be adhered to. Upon roll call, all members voting aye, the motion carried. **SIGN SETBACK VARIANCE APPROVED** .
- 9) The Aberdeen Development Corporation and Black & Veatch requested permission, as per site plan submitted, to construct a 79' tall telecommunication tower and related structures, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Lot 1, Safeguard/ADC Subdivision, a.k.a. 2830 Industrial Avenue NE. This item was withdrawn by the petitioner. No action taken.
- 10) Michael Trumbo requested permission, as per site plan submitted, to appeal the notice and order to demolish all structures located on the property as ordered by the Code Enforcement Department, which would be an Appeal to the Board of Zoning Adjustment, all on The South 40' of the West 34' of Lot 12 & the South 40' of Lot 13 & the South 40' of the East 16' of Lot 14 and the 4' strip directly North of parcel, Block 53, Second Addition, a.k.a. 909 Main Street S. Grace Davis was present to represent the property. Following discussion Grebner moved and Babcock seconded to deny, all members voting nay, the motion failed. Following further discussion Babcock moved and Schumacher seconded with the following stipulations: 1) An extension will be granted until August 31, 2018 to get the property "up to code" condition for habitation so it can be rented or sold, 2) If sidewalks are not maintained (kept free of snow & ice), and if the grass is not mowed and kept in compliance, this extension will be immediately revoked, and 3) Michael Trumbo and Grace Davis must remain in contact with Code Enforcement regarding the status of this property. Upon roll call, all members voting aye, the motion carried. **TEMPORARY APPEAL APPROVED** .
- 11) B&G Motorsports, Inc. d.b.a. Stutsman Harley Davidson requested permission, as per site plan submitted, to permit the open storage, sale and display of vehicles, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on **Lot 1, Browning First Addition in the NW¼ Sect. 22-T123N-R64W, a.k.a. 717 385th Avenue S.** John Seifert was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) This approval is for B&G Motorsports, Inc. d.b.a. Stutsman Harley Davidson only, as long as they are the owner/operator of proposed use, 2) All vehicles must be licensed, operable and available for sale, 3) No illegal or unpermitted signage allowed on site, 4) All parking must take place on hard surface area, 5) Parking may not take place in spots required for employee or customer parking, and 6) Property must be maintained in a neat and orderly manner at all times. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 12) Campbell's Town & Country and VFW Post 17 request permission, as per site plan submitted, to 1) permit a 2'x3' freestanding, off-premise sign as an accessory land use and in addition to an existing freestanding sign, which would be an Appeal to the Board of Zoning Adjustment, and 2) to construct a 2'x3' off-premise sign 0' from the North property line rather than the required 20', which would be a 20' Sign Setback Variance, **all on Outlot 1 of Plat of Outlots 1-5, N½ NW¼ Sect. 23-T123N-R64W & North 33' of V/S & East 32' V/S, a.k.a. 1523 Sixth Avenue SW.** Dennis Nelson was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Sign permit must be obtained prior to installation, and 2) Sign must be removed when sign is no longer necessary. Upon roll call, all members voting aye, the motion carried. **APPEAL & SIGN SETBACK VARIANCE APPROVED.**
- 13) Marie Crawford and VFW Post 17 requested permission, as per site plan submitted, to 1) permit a 2'x3' freestanding, off-premise sign as an accessory land use and in addition to an existing freestanding sign and an existing off-premise sign, which would be an Appeal to the Board of Zoning Adjustment, and 2) to construct a 2'x3' off-premise sign 0' from the South property line rather than the required 20', which would be a 20' Sign Setback Variance, **all on The 420' North of the South 75' of the W½SW¼SE¼SE¼ Sect. 17-T123N-R63W, a.k.a. 3601 Sixth Avenue SE.** Dennis Nelson was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Sign permit must be obtained prior to installation, and 2) Sign must be removed when sign is no longer necessary. Upon roll call, all members voting aye, the motion carried. **APPEAL & SIGN SETBACK VARIANCE APPROVED.**
- 14) Lora Gray and VFW Post 17 requested permission, as per site plan submitted, to 1) permit a 2'x3' freestanding off-premise sign as an accessory land use, which would be an Appeal to the Board of Zoning Adjustment and 2) to construct a 2'x3' sign 0' from the North property line rather than the permitted 20', which would be a 20' Sign Setback Variance, **all on Lot 1, Auto Plaza Addition, a.k.a. 723 Auto Plaza Drive.** Dennis Nelson was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Sign permit must be obtained prior to installation, and 2) Sign must be removed when sign is no longer necessary. Upon roll call, all members voting aye, the motion carried. **APPEAL & SIGN SETBACK VARIANCE APPROVED.**
- 15) Nadine Menning requested permission, as per site plan submitted, to permit the keeping of livestock on a property in the (R-2) Medium Density Residential Zoning District, which would be an Appeal to the Board of Zoning Adjustment, **all on Witte Lot 1, Aberdeen Creekside Subdivision, in the E½ of Sect. 25-T123N-R64W, a.k.a. 2410 Dakota Street S.** Nadine Menning was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded with the following stipulations: 1) This approval is for the existing horse and the existing pig and they may not be replaced if they die, are sold or removed from the property, 2) Chickens will be permitted if kept in accordance with City's Residential Chicken Ordinance, and 3) This approval is for Nadine Menning only, as long as she owns and resides at this property. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

- 16) Spike, LLC requested permission, as per site plan submitted, to 1) construct a convenience store wall 13.5' from the West property line rather than the required 30', which would be a 16.5' Building Variance and 2) a canopy 11.5' from the West property line rather than the required 30', which would be a 18.5' Building Variance, and 3) to provide parking stalls that are 9' wide rather than the required 10', which would be a 1' Minimum Parking Stall Width Variance and 4) to provide parking stalls that are 18' deep rather than the required 20', which would be a 2' Minimum Parking Stall Depth Variance and 5) to construct an accessory building 25' from the South property line rather than the required 45', which would be a 20' Setback Variance and 6) to construct an accessory structure with 18' tall sidewalls, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 1, CCK Addition and Lot 9, Easton's First Subdivision of Lots 1-6, Block 45, Bennett & Thomas Addition, a.k.a. 711 and 701 Second Street N. Mike Carrels was present to represent the property. Following discussion VanDeRostyne moved and Schumacher seconded to deny agenda items # 1 & #2, all member voting nay, the motion failed. Following further discussion Grebner moved and Schumacher seconded to approve agenda items #1 and #2 with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be verified. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED**. Following further discussion Grebner moved and VanDeRostyne seconded to deny agenda item #3, all members voting aye, the motion carried. **MINIMUM PARKING STALL WIDTH VARIANCE DENIED**. Following further discussion VanDeRostyne moved and Weigel seconded to deny, all members voting aye, the motion carried. **MINIMUM PARKING STALL DEPTH VARIANCE DENIED**. Following discussion Grebner moved and Babcock seconded to approve agenda item #5 with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, 3) All required inspections must be completed, 4) Property must be replatted and rezoned, and 5) Car wash hours of operation must adhere to City Noise Ordinance prohibiting operation between 11:00 p.m. to 7:00 a.m. daily. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCE APPROVED**. Following further discussion Grebner moved and VanDeRostyne seconded to approve agenda item #6 with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, 3) All required inspections must be completed, 4) Property must be replatted and rezoned, and 5) Car wash hours of operation must adhere to City Noise Ordinance prohibiting operation between 11:00 p.m. to 7:00 a.m. daily. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED**.
- 5) Marlene Kessler requested permission, as per site plan submitted, to appeal the notice and order to demolish all structures located on the property as ordered by the Code Enforcement Department, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Block 8, Fifteenth Addition to Highland North Addition, a.k.a. 1916 Jay Street N. Milton Koerner of 408 20th Ave NE, was present to voice his concerns about the condition of this property. Following discussion VanDeRostyne moved and Babcock seconded to deny this appeal with the stipulations that the home be demolished and the

existing well be capped off. Upon roll call, all members voting aye, the motion carried.
APPEAL DENIED .

Joe VanDeRostyne excused himself to the audience.

- 1) Lichi Hsueh requested permission, as per site plan submitted, to 1) permit an accessory structure that does not comply with the adopted building codes of the City of Aberdeen, which would be an Appeal to the Board of Zoning Adjustment and 2) to permit an accessory structure that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, and 3) to construct a 288sf accessory structure in addition to an existing 240sf accessory structure for a total of 528sf rather than the permitted 327sf, which would be a 201sf Accessory Structure Lot Coverage Variance and 4) to construct a 12'x24' accessory structure 2' from the South property line rather than the required 5', which would be a 3' Building Variance, all on Lot 631, Morning Heights Addition, a.k.a. 815 Wells Street S. Joe VanDeRostyne was present to represent the property. Following discussion Grebner moved and Schumacher seconded to deny agenda item #1. Upon roll call, Babcock-aye, Grebner-aye, Schumacher-aye, Weigel-aye (3-aye,1-nay), the motion carried. **APPEAL DENIED .** VanDeRostyne stated that the petitioner would like to withdraw this item and plans to remove the structure. No action taken on agenda items #2, #3, & #4.

Joe VanDeRostyne returned to his place on the board.

Following further discussion VanDeRostyne moved and Babcock seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
January 11, 2018