

BOARD OF ZONING ADJUSTMENT
March 8, 2018

The Board of Zoning Adjustment Meeting was held on Thursday, March 8, 2018 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 VanDeRostyne, Babcock, Grebner & Musel. Absent were Schumacher & Weigel. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, Eric Miller, City Planner, Chad Nilson, Building Inspector, David Dosch, Code Enforcement Officer, George Jones, GIS Technician, Barry Dunlavy, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

VanDeRostyne moved and Musel seconded to approve the Board of Zoning Adjustment minutes of February 8, 2018, all members voting aye, the motion carried.

- 1) Jeff Stockert requested permission, as per site plan submitted, to 1) permit the construction of a mini-storage building, which would be an Appeal in the (I-2) Unrestricted Industrial Zoning District, and 2) to construct a mini-storage building that is 224' deep rather than the permitted 120', which would be a 104' Maximum Depth Variance and 3) to construct a mini-storage building that is 110' in width rather than the permitted 30', which would be an 80' Maximum Width Variance, and 4) to construct a mini-storage building with 22' sidewall height rather than the permitted 16', which would be a 6' Maximum Sidewall Height Variance, all on Proposed Lot 2, ADC 2018-1 First Subdivision, a.k.a. 720 Enterprise Street N. Jeff Stockert was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve agenda item #1 with the following stipulations: 1) Property must be replatted prior to permitting, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, 4) All required inspections must be completed, 5) Parking must be provided as required by code for various uses, 6) No open storage of vehicles, machinery, or any other items without additional approval by Board of Zoning Adjustment, 7) No illegal or unpermitted signage, 8) Any construction in tenant spaces must be permitted prior to work commencing, and 9) Plans must be approved for landscaping and storm water before permit may be issued. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** . Following further discussion VanDeRostyne moved and Grebner seconded to deny agenda items #2 - #4, all members voting nay, the motion failed. Following further discussion Grebner moved and Musel seconded to approve agenda items #2 - #4. Upon roll call, all members voting aye, the motion carried. **MAXIMUM DEPTH VARIANCE, MAXIMUM WIDTH VARIANCE, & MAXIMUM SIDEWALL HEIGHT VARIANCES APPROVED** .
- 2) Stacy Gossman requested permission, as per site plan submitted, to permit the operation of a temporary fireworks stand within the Zoning Jurisdiction of the City of Aberdeen, which would be a Special Exception, all on Lot 1B, Gossman First Addition, a.k.a. 5759 Highway 12 E. There being no representative present this item was moved to the end of the agenda.
- 3) Ka-Boomer's, Inc. requested permission, as per site plan submitted, to permit the

operation of a temporary fireworks stand within the Zoning Jurisdiction of the City of Aberdeen, which would be a Special Exception, all on Judy Outlot 1, NW¼ Sect. 22-T123N-R63W, a.k.a. 5050 Highway 12 E. Jeannette Gollnick was present to represent the property. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) Must comply with all Fire Marshal requirements, 2) No illegal or unpermitted signs, banners, inflatables, etc. may be displayed at this location, & sign permits must be obtained prior to installation of signs, and 3) Approval is for the 2018 fireworks season. Upon roll call, all members voting aye, the motion carried.

SPECIAL EXCEPTION APPROVED .

- 4) Kevin Bourdon and Julie Meidinger requested permission, as per site plan submitted, to permit the open storage, parking and sale of semi-trucks and trailers, rock, gravel, dirt piles and shipping containers, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 1, Auditor's Subdivision in the SE¼ Sect. 27-T123N-R64W, a.k.a. 2932 Highway 281 S. Kevin Bourdon was present to represent the property. Following discussion Grebner moved and Musel seconded to deny. Upon roll call, VanDeRostyne-aye, Babcock-nay, Grebner-nay, Musel-nay (1-aye,3-nay), the motion failed. Following further discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) Property must be landscaped to standard submitted on site plan or to city requirement if it is stricter, 2) Sand, rock & gravel piles must be screened to prevent blowing dust/debris, 3) Special Exception is for Kevin Bourdon only, as long as he is owner/operator of proposed use, 4) Vehicles must be licensed & operable and for use of tree business only, 5) No additional off-premise storage on property, 6) Property must be maintained in a neat and orderly manner at all times, 7) No illegal or unpermitted signs on the property, 8) Tree plantings shall comply with all setback requirements for shelterbelts and tree rows as provided by ordinance. Upon roll call VanDeRostyne-nay, Babcock-aye, Grebner-aye, Musel-aye (4-aye,1-nay), the motion failed. **SPECIAL EXCEPTION DENIED.**
- 5) Kevin & Andrea Schwan requested permission, as per site plan submitted, to allow two accessory structures to remain on a lot without the required primary structure in a (R-2) Medium Density Residential Zoning District, which would be an Appeal to the Board of Zoning Adjustment, all on the 264' North of the South 264' of the East 300' of the W½SW¼ Sect. 19-T123N-R63W, a.k.a. 1717 Melody Lane. Kevin & Andrea Schwan were present to represent the property. Following discussion Grebner moved and Musel seconded to deny, all members voting nay, the motion failed. Following further discussion Musel moved and Grebner seconded to approve with the following stipulations: 1) Building Permit for primary structure and Demolition Permit for existing accessory structures must be obtained by 04/01/2020, 2) The property must be replatted into one parcel, 3) The buildings shall be repaired if deemed necessary, with the owner being responsible for obtaining any necessary permits, 4) When home is constructed, the existing buildings may not be located in front of the residence, and 5) The property must be maintained in a neat and orderly manner at all times. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED .**
- 6) Midcontinent Communications, SAC Wireless and Peggy Schulte requested permission, as per site plan submitted, to permit the colocation of a wireless telecommunication antenna and placement of a 10'x10' equipment platform on an existing communications

tower, which would be an Appeal to the Board of Zoning Adjustment in an (A-1) **Agricultural Zoning District, all on the SW¼ Sect. 10-T123N-R64W, Except Land Platted**, a.k.a. 2450 Eighth Avenue NW. Regan O’Kane was present to represent the property. Following discussion Grebner moved and Musel seconded to approve 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 completed. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .

- 7) Jarrod Kannas requested permission, as per site plan submitted, to 1) permit the construction of four mini-storage buildings, which would be an Appeal to the Board of Zoning Adjustment in the (I-2) Unrestricted Industrial Zoning District, and 2) to construct two mini-storage buildings that are 150’ in length rather than the permitted 120’, which would be two 30’ Maximum Width Variances and 3) to construct four mini-storage buildings that are 42’ in depth rather than the permitted 30’, which would be four 12’ Maximum Depth Variances, all on Lot 2, S&C Schipke Subdivision of Lot 1, D&S Business Park First Addition, a.k.a. 4063 Schipke Lane. Troy Holtey was present to represent the property. Following discussion Grebner moved and Musel seconded to approve agenda items #1 - #3 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, and 4) Parking must be provided as required by ordinance depending on the uses in the buildings. Upon roll call, all members voting aye, the motion carried. **APPEAL, MAXIMUM WIDTH VARIANCES, & MAXIMUM DEPTH VARIANCES APPROVED** .
- 8) H&H Farms, LLP requested permission, as per site plan submitted, to construct an event center, which would be an Appeal to the Board of Zoning Adjustment in the (A-1) **Agricultural Zoning District, all on the SE¼ Sect. 21-T123N-R64W, except Lot 1**, Hedger’s First Addition and Land Deeded, a.k.a. 38451 Highway 12 W. Jack Hollinsworth was present to represent the property. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) Property must be platted and rezoned to (M-Ag) Mini-Agricultural District, 2) All plans must be submitted and approved with permit obtained prior to construction, and 3) Must comply with requirements for off-street parking, signage, landscaping as applicable. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .
- 9) KRB Properties, LLC requested permission, as per site plan submitted, for 1) existing unattached garage to remain 0’ from the South property line rather than the required 5’, which would be a 5’ Building Variance, in order to 2) construct a four-unit apartment building 16’ from the West property line rather than the required 25’, which would be a 9’ Building Variance, all on Lots 955-956, Morning Heights Extended Addition, a.k.a. 1015 Cochrane Street S. Kevin Braun was present to represent the property. Following discussion Grebner moved and Musel seconded to approve agenda item #1 with the stipulation that property must be replatted prior to sale or construction, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED**. Owner withdrew agenda item #2, no action taken.

- 10) KRB Properties, LLC requested permission, as per site plan submitted, for 1) existing unattached garage to remain 0' from the North property line rather than the required 5', which would be a 5' Building Variance, and 2) 0' from the South property line rather than the required 5', which would be a 5' Building Variance, all on Lots 953-954, Morning Heights Extended Addition, a.k.a. 1019 Cochrane Street S. Kevin Braun was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve with the stipulation that property must be replatted prior to sale or construction, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 11) KRB Properties, LLC requested permission, as per site plan submitted, for 1) existing unattached garage to remain 0' from the North property line rather than the required 5', which would be a 5' Building Variance, and 2) 0' from the South property line rather than the required 5', which would be a 5' Building Variance, all on Lots 951-952, Morning Heights Extended Addition, a.k.a. 1021 Cochrane Street S. Kevin Braun was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve with the stipulation that property must be replatted prior to sale or construction, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 12) KRB Properties, LLC requested permission, as per site plan submitted, for 1) existing unattached garage to remain 0' from the North property line rather than the required 5', which would be a 5' Building Variance, all on Lots 949-950, Morning Heights Extended Addition, a.k.a. 1023 Cochrane Street S. Kevin Braun was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve with the stipulation that property must be replatted prior to sale or construction, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 13) Aberdeen Congregation of Jehovah's Witnesses requested permission, as per site plan submitted, to 1) construct a 32sf freestanding sign rather than the permitted 16sf, which would be a 16sf Freestanding Sign Size Variance, and 2) to install 53.75sf of total freestanding and wall signage rather than the permitted 32sf, which would be a 21.75sf Total Sign Size Variance, all on Lot 2, Isaiah's Addition, a.k.a. 1757 Lawson Street S. Chad Behan was present to represent the property. Following discussion Grebner moved and Musel seconded to deny, all members voting nay, the motion failed. Following further discussion Grebner moved and Musel seconded to approve with the stipulation that permits must be obtained prior to installation of signs. Upon roll call, all members voting aye, the motion carried. **FREESTANDING SIGN SIZE VARIANCE & TOTAL SIGN VARIANCE APPROVED.**
- 14) Homes Are Possible, Inc. requested permission, as per site plan submitted, to 1) plat a lot that is 45' wide rather than the required 60', which would be a 15' Minimum Lot Width Variance, and 2) construct a house and attached garage 5' from the South property line rather than the required 8', which would be a 3' Building Variance, all on Proposed Lot 1, Homes Are Possible Subdivision 2018-1, a.k.a. 1202 Second Street S. Jeff Mitchell was present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to approve with the following stipulations: 1) Plat must be submitted, 2) Plans must be submitted for review and a permit must be obtained prior to work

commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE & BUILDING VARIANCE APPROVED .**

- 15) Leadership Aberdeen and Chow Main Properties, LLC requested permission, as per site plan submitted, to restore a historic supergraphic sign on the South side of the building, which would be a Special Exception, all on Lot 4, Block 31, First Addition, a.k.a. 508 Main Street S. Will Griffin, Janie Borkowski, and Spencer Sommers of Leadership Aberdeen were present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Planning Commission & City Council must approve the sign, 2) Permit must be obtained prior to work commencing, and 3) Sign may not be altered from original design. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED .**
- 16) Leadership Aberdeen and Court Street Partners, LLP requested permission, as per site plan submitted, to restore 5 historic supergraphic signs on the building, which would be a Special Exception, all on Lots 1-3, Block 1, Original Plat and Lots 1-4 & N 6' of Lot 5, Block A, Original Plat and Lots 4-12, Block 64, Hagerty & Lloyd Addition & Vacated Washington Street ROW, a.k.a. 1 Court Street. Will Griffin, Janie Borkowski, and Spencer Sommers of Leadership Aberdeen were present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Planning Commission & City Council must approve the sign, 2) Permit must be obtained prior to work commencing, and 3) Sign may not be altered from original design. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED .**
- 17) Leadership Aberdeen and Scott Peterson request permission, as per site plan submitted, to 1) restore a historic supergraphic sign on the South side of the building, which would be a Special Exception and 2) to permit an off-premise advertisement, which would be an Appeal to the Board of Zoning Adjustment in the Aberdeen Commercial Historic District, all on Lot 12, Block 11, Original Plat, a.k.a. 224 Main Street S. Will Griffin, Janie Borkowski, and Spencer Sommers of Leadership Aberdeen were present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve with the following stipulations: 1) Planning Commission & City Council must approve the sign, 2) Permit must be obtained prior to work commencing, 3) Sign may not be altered from original design, and 4) Property owner may not enter into any arrangement with advertiser for compensation. This project is for aesthetic purposes only. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED .**
- 18) Leadership Aberdeen and Greg Sander requested permission, as per site plan submitted, to restore 2 historic supergraphic signs on the building, which would be a Special Exception, all on Lot 13, Block 7, Original Plat, a.k.a. 111 Main Street S. Will Griffin, Janie Borkowski, and Spencer Sommers of Leadership Aberdeen were present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Planning Commission & City Council must approve the sign, 2) Permit must be obtained prior to work commencing,

and 3) Sign may not be altered from original design. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 19) Leadership Aberdeen and Len Scherr requested permission, as per site plan submitted, to restore a historic supergraphic sign on the building, which would be a Special Exception, all on Lot 6, Block 11, Original Plat, a.k.a. 212 Main Street S. Will Griffin, Janie Borkowski, and Spencer Sommers of Leadership Aberdeen were present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Planning Commission & City Council must approve the sign, 2) Permit must be obtained prior to work commencing, and 3) Sign may not be altered from original design. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 2) Stacy Gossman requested permission, as per site plan submitted, to permit the operation of a temporary fireworks stand within the Zoning Jurisdiction of the City of Aberdeen, which would be a Special Exception, all on Lot 1B, Gossman First Addition, a.k.a. 5759 Highway 12 E. Stacy Gossman was present to represent the property. Following discussion Musel moved and Grebner seconded to approve with the following stipulations: 1) Must comply with all Fire Marshal requirements, 2) No illegal or unpermitted signs, banners, inflatables, etc. may be displayed at this location, & sign permits must be obtained prior to installation of signs, and 3) Approval is for the 2018 fireworks season. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

Following further discussion Musel moved and Grebner seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
March 8, 2018