

**BOARD OF ZONING ADJUSTMENT**  
**April 12, 2018**

The Board of Zoning Adjustment Meeting was held on Thursday, April 12, 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, Winter, Schumacher, and Weigel. Babcock was absent. 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, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

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

- 1) Jeff & Rhonda Jarman requested permission, as per site plan submitted, for 1) existing residence to remain 33.7' from the South property line rather than the required 45', which would be a 11.3' Building Variance, and 2) for residence to remain 63.8' from the East property line rather than the required 100', which would be a 36.2' Building Variance in order to 3) construct an 11'x24' addition 53' from the East property line rather than the required 100', which would be a 47' Building Variance and 34' from the South property line rather than the required 45', which would be an 11' Building Variance, all on Lot 11, Evelo's **Outlots, in the NE¼ Sect. 2-T122N-R64W, a.k.a. 13649 387th Avenue. Jeff Jarman was present to represent the property.** Following discussion Grebner moved and Schumacher seconded to approve agenda items #1 & #2, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following further discussion Schumacher moved and Grebner seconded to deny agenda item #3, all members voting nay, the motion failed. Following further discussion Grebner moved and Schumacher seconded to approve with the stipulation that a zoning permit must be obtained prior to construction. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .
- 2) Aberdeen School District 6-1 requested permission, as per site plan submitted, to install a 3'x6' full color electronic message center sign panel on an existing freestanding sign, which would be a Special Exception in a Medium Density Residential Zoning District, all on Outlot D, Highland North Addition, a.k.a. 1900 State Street N. Bob Pitz of the Aberdeen School District was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) Permit must be obtained prior to installation, 2) EMC must be operated in accordance with all EMC ordinance requirements, 3) Sign may not be operated between 10 p.m. to 7 a.m., and 4) No off-premise advertising may be allowed on sign. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 3) Kevin Weisbeck requested permission, as per site plan submitted, to 1) construct a 6,505sf accessory structure in the front setback of the primary structure, which would be an Appeal to the Board of Zoning Adjustment, and 2) to construct 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 an accessory structure with 19' sidewalls rather than the permitted 10', which would be a 9' Sidewall Height Variance, all on Lot 5, Batteen's

**Subdivision of Prairiewood Village Outlot 5, NE¼ Sect. 33-T124N-R63W, a.k.a. 12915 391st Avenue.** This item was withdrawn by the petitioner. No action taken.

- 4) Doug Braa requested permission, as per site plan submitted, to construct two mini-storage buildings (24'x72' and 24'x32'), which would be an Appeal to the Board of Zoning Adjustment in an (I-2) Unrestricted Industrial Zoning District, all on Lot 1, F&J Ludwig Consolidation Addition in Aberdeen, a.k.a. 1311 Ninth Avenue SW. Attorney Jay Gellhaus was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) Permits must be obtained prior to construction, 2) Property pins must be located for inspection and setbacks must be verified, 3) All required inspections must be completed, and 4) Buildings must be made to comply with codes as they are existing structures to be moved on site. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .
- 5) Alex Alsleben requested permission, as per site plan submitted, to construct a 60'x124' Accessory Building 75' from the South property line rather than the required 100', which would be a 25' **Setback Variance, all on Hughes Lot 1, SE¼ Sect. 11-T123N-R63W, a.k.a. 39298 132nd Street.** Alex Alsleben was present to represent the property. Following discussion Schumacher moved and Grebner seconded to deny. Upon roll call, VanDeRostyne-aye, Grebner-nay, Weigel-aye, Winter-aye, Schumacher-aye (1-nay,4-aye), the motion carried. **SETBACK VARIANCE DENIED** .
- 6) Brenner Properties, LLC requested permission, as per site plan submitted, to permit the open storage of vehicles, equipment, materials and supplies for a construction business, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Lot 5, Brenner-Moser Addition, a.k.a. 615 East Drive. Eric Brenner was present to represent the property. Following discussion Schumacher moved and Grebner seconded to approve with the following stipulations: 1) All items must be licensed and operable, 2) Property must be maintained in a neat and orderly manner at all times, 3) No junk, unlicensed, inoperable vehicles, machinery, etc., and 4) Special Exception is for Brenner Properties only, as long as they are owner/operator of proposed use. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 7) Jon Malsom Construction, LLC requested permission, as per site plan submitted, to 1) construct a 40'x106' warehouse, which would be a Special Exception in the (C3/R4) Central Business/Special Density Residential Zoning District, and 2) to permit the open storage of vehicles, equipment, materials and supplies for a construction business, which would be a Special Exception, all on Lot 12, Block 24, First Addition, a.k.a. 223 Fourth Avenue SW. Jon Malsom was present to represent the property and stated that the structure will actually be 30' x 96'. Following discussion Schumacher moved and Grebner seconded to deny agenda item #1. Upon roll call, VanDeRostyne-aye, Grebner-nay, Weigel-nay, Winter-nay, Schumacher-nay (1-aye,4-nay), the motion failed. Following discussion Grebner moved and Schumacher seconded to approve agenda item #1 with the following stipulations: 1) Building should be constructed to blend with residential uses; lap siding & asphalt shingles, 2) Property must be maintained in a neat and orderly manner at all times, 3) Property must adhere to parking & landscape requirements, 4) Special Exception is for Jon Malsom Construction only as long as he is owner/operator of proposed use, and 5) Proposed building cannot exceed 30' x 96'. Upon roll call, VanDeRostyne-nay, Grebner-aye, Weigel-aye, Winter-aye, Schumacher-aye (1-nay, 4-aye), the motion carried. **SPECIAL**

**EXCEPTION APPROVED** . Following further discussion Grebner moved and Schumacher seconded to approve agenda item #1 with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times, 2) No junk, unlicensed or inoperable vehicles may be stored on site, 3) No parking in public streets or right-of-way, 4) No storage or parking in corner visibility triangles, and 5) Special Exception is for Jon Malsom Construction only as long as he is owner/operator of proposed use. Upon roll call, VanDeRostyne-nay, Grebner-aye, Weigel-aye, Winter-aye, Schumacher-aye (1-nay, 4-aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 8) Morris Forsting requests permission, as per site plan submitted, to 1) plat a lot that in a (R-3) High Density Residential Zoning District that is 75' deep rather than the required 100', which would be a 25' Minimum Lot Depth Variance and 2) for existing residence to remain 0' from the East property line rather than the required 25', which would be a 25' Building Variance, and 3) 2.4' from the North property line rather than the required 5', which would be a 2.6' Building Variance, all on Proposed Lot 1, Forsting First Addition to Aberdeen, a.k.a. 117 Jay Street N. Jeremy Ahoe of Ahoe Construction was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve, all member voting aye, the motion carried. **MINIMUM LOT DEPTH VARIANCE & BUILDING VARIANCES APPROVED** .
- 9) Tara Englund and Warren Hunstad request permission, as per site plan submitted, to permit the operation of a daycare as a home occupation, which would be a Special Exception in the (R-3) High Density Residential Zoning District, all on Lot 7, Block 49, Thomas Addition, a.k.a. 929 Third Street S. Warren Hunstad 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 prior to the operation of this daycare commencing, 2) No more than one individual other than the owner, may work at the daycare at one time, 3) A floor plan must be submitted for review showing the location used for childcare, 4) Age range of children, the number of children and hours of operation must be submitted, 5) This special exception is for the owner, as long as she/he is the owner/operator of the proposed use, 6) Announced and unannounced inspections must be permitted by operator, 7) 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 8) Owner/operator and any employees must be licensed with the City of Aberdeen. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

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

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Paula Nelson  
Board of Zoning Adjustment Secretary  
April 12, 2018