

**BOARD OF ZONING ADJUSTMENT
May 10, 2018**

The Board of Zoning Adjustment Meeting was held on Thursday, May 10, 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 Winter, Schumacher, VanDeRostyne, Weigel, and Babcock. Grebner was absent. Also present were Ken Hubbard, City Planner, Eric Miller, City Planner, Chad Nilson, Building Inspector, George Jones, GIS Technician, Barry Dunlavy, Building Inspector, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

VanDeRostyne moved and Weigel seconded to approve the Board of Zoning Adjustment minutes of April 12, 2018, all members voting aye, the motion carried.

- 1) Jennifer Belmore requested permission, as per site plan submitted, to 1) permit the operation of a daycare as a home occupation, which would be a Special Exception in the (R-2) Medium Density Residential Zoning District, and 2) to allow 3 employees from outside the family, rather than the permitted 1, which would be an Appeal to the Board of Zoning Adjustment, all on The South 25' of Lot 5 and Lot 6, Block 9, First Addition to the Highlands of Aberdeen, a.k.a. 1204 Penn Street N was submitted by Jennifer Belmore. Following discussion Schumacher moved and Winter 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 three individuals 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 & APPEAL APPROVED.**
- 2) Jarrett Jones requested permission, as per site plan submitted, to permit the installation of an off-premise sign as an accessory land use in addition to an existing primary use, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Shishnia's First Addition, a.k.a. 13297 393rd Avenue. There being no representative present, this item was moved to the end of the agenda.
- 3) Tom Goehring requested permission, as per site plan submitted, to permit the open storage of trailers, boat trailers, campers and similar personal items, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Lot 3, Brenner-Moser Addition, a.k.a. 522 East Drive. Tom Goehring was present to represent the property. Following discussion Schumacher moved and Winter seconded to approve with the following stipulations: 1) Only licensed, operable vehicles in good

repair shall be stored outdoors, 2) all items shall be stored in the area indicated on site plan, 3) This Special Exception is for Tom Goehring only, as long as he is the owner of this property, and 4) 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** .

- 4) Tom Goehring and Russ Brick requested permission, as per site plan submitted, to permit the open storage of portable toilets, trucks and trailers, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Lot 3, Brenner-Moser Addition, a.k.a. 522 East Drive. Tom Goehring and Russ Brick were present to represent the property. Following discussion VanDeRostyne moved and Schumacher seconded to deny, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Schumacher seconded to approve with the following stipulations: 1) Storage shall be limited to vehicles and clean portable toilet units only, 2) Maximum number of 60 stored on site at any time, and 3) All other items must be stored at applicants existing location. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED**.
- 5) Steve Stickelmyer requested permission, as per site plan submitted, to construct a second approach 199' East of an existing approach, rather than the required 500', which would be a 301' Minimum Approach Separation Variance, all on Lot 3, B&J First Subdivision in the NE¼ Sect. 15-T123N-R64W, a.k.a. 2503 Eighth Avenue NW. Steve & Kari Stickelmyer was present to represent the property. Following discussion Schumacher moved and VanDeRostyne seconded to deny, all members voting aye, the motion carried. **MINIMUM APPROACH SEPARATION VARIANCE DENIED** .
- 6) Gary Eldevik requested permission, as per site plan submitted, to 1) install a second approach 230' West of an existing approach, rather than the required 500', which would be a 270' Minimum Approach Separation Variance, and 2) construct a 44'x60' accessory building 30' from the West property line rather than the required 35', which would be a 5' Building Variance and 3) to construct a 44'x60' accessory building 30' from the South property line rather than the required 100', which would be a 70' Building Variance, all on Lot 1, Eldevik's First Addition in the SE¼ Sect. 2-T122N-R64W, a.k.a. 13699 387th Avenue. Gary Eldevik was present to represent the property. Following discussion Schumacher moved and VanDeRostyne seconded to approve agenda item #1, all members voting aye, the motion carried. **MINIMUM APPROACH SEPARATION VARIANCE APPROVED** . Following further discussion VanDeRostyne seconded to deny agenda item #2. Upon roll call Weigel-aye, VanDeRosytne-nay, Babcock-nay, Schumacher-nay, Winter-nay, the motion failed. Following further discussion VanDeRostyne moved and Schumacher seconded to approve agenda items #2 & #3, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .
- 7) Dan Riley requested permission, as per site plan submitted, for 1) an existing 700sf accessory structure to remain rather than the permitted 630sf, which would be a 70sf Accessory Structure Lot Coverage Variance, and 2) for existing 700sf accessory structure to remain 4.5' from the West property line rather than the required 5', which would be a .5' Building Variance and 3) to construct an additional 1200sf Accessory

Structure for a total of 1900sf, rather than the permitted 630sf, which would be a 1270sf Accessory Structure Lot Coverage Variance and 4) to construct a 1200sf accessory structure that is not aesthetically similar to the primary structure, which would be an **Appeal to the Board of Zoning Adjustment, all on Lot 9 & the West ½ of Lot 10, Block 20, Highland Park Addition and the North 32' of Vacated Ninth Avenue SW Public ROW, a.k.a. 1214 Ninth Avenue SW.** Dan Riley was present to represent the property. Following discussion Schumacher moved and Weigel seconded to approve agenda items #1 and #2, all members voting aye, the motion carried. **ACCESSORY STRUCTURE LOT COVERAGE VARIANCE AND BUILDING VARIANCE APPROVED.** Following further discussion Schumacher moved and Babcock seconded to deny agenda item #3, all members voting aye, the motion carried. **ACCESSORY STRUCTURE LOT COVERAGE VARIANCE DENIED.** No action taken on agenda item #4.

- 8) Northwestern Energy requested permission, as per site plan submitted, to install a pole for advanced metering infrastructure within the Public ROW at the intersection of Commerce Street N and Industrial Avenue NE, which would be an Appeal to the Board of Zoning Adjustment on Public ROW adjacent to The South 166' of the East 180' of **Outlot 18, NE¼ Sect. 17-T123N-R63W, a.k.a. 405 Commerce Street N.** Chelsey Sheridan of Clark Engineering was present to represent the property. Following discussion VanDeRostyne moved and Schumacher seconded with the following stipulations: 1) Northwestern Energy must obtain a license to occupy the public right-of-way for City Council, 2) Permit must be obtained prior to installation, and 3) Northwestern Energy is responsible for maintenance and liability of structure in public right-of-way. Upon roll call, all members voting aye with Weigel abstaining, the motion carried. **APPEAL APPROVED.**
- 9) Bradley Volk requested permission, as per site plan submitted, to 1) construct an accessory structure within the front setback, 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 14' sidewalls rather than the permitted 10', which would be a Special Exception in an (R-1) Low Density Residential Zoning District, all on Lot 2, Volk/Johnson Subdivision, a.k.a. 3005 385th Avenue. Bradley Volk was present to represent the property. Following discussion Schumacher moved and VanDeRostyne seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Schumacher seconded to approve agenda item #1 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. **APPEAL APPROVED.** Following further discussion VanDeRostyne moved and Weigel seconded to deny agenda item #2, all members voting aye, the motion carried. **APPEAL DENIED.** Following further discussion VanDeRostyne moved and Winter seconded to approve agenda item #3 with the following stipulations: 1) 12' sidewalls rather than the permitted 10', 2) Same roof pitch as other accessory structure's 5/12 pitch. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 10) Nick Kallhoff requested permission, as per site plan submitted, to construct a 28'x36' accessory structure that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 38, Block 1, North Plains First Addition, a.k.a. 1521 Somerset Drive. Nick Kallhoff was present to represent the property. Following discussion VanDeRostyne moved and Schumacher seconded to deny, all members voting nay, the motion failed. Following further discussion Weigel moved and VanDeRostyne 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, 3) All required inspections must be completed, 4) Lap board siding to match primary structure and wainscot on North & West walls and both sides of East walls from sides to garage door, and 5) Shingles to match existing structure. Upon roll call, all members voting aye, the motion carried. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED .**
- 11) JR&R II, LLC requested permission, as per site plan submitted, to 1) permit 407 parking stalls rather than the required 520 stalls, which would be a 113 stall Minimum Parking Stall Variance, and 2) to permit the open storage, parking and sale of merchandise, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Proposed Lot 1, Reed Addition to the City of Aberdeen, a.k.a. 1815 Sixth Avenue SE. Dean Marske of HKG Architects was present to represent the property. Following discussion VanDeRostyne moved and Schumacher seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times, 2) Storage should take place in a manner that allows for visibility for motorists entering and exiting Wilson St, 3) No illegal or unpermitted temporary signs, 4) This special exception is for JR & R, LLC operating as Runnings, as long as they are owner/operator of proposed use, and 5) All Fire Marshal stipulations must be met and adhered to. Upon roll call, all members voting aye with Weigel abstaining, the motion carried. **MINIMUM PARKING STALL VARIANCE AND SPECIAL EXCEPTION APPROVED .**
- 12) Plains Commerce Bank requested permission, as per site plan submitted, to provide 0 additional parking stalls rather than the required 58 stalls, which would be a 58 stall Minimum Parking Stall Variance, all on Lot 1, Plains Commerce Bank Addition, a.k.a. 524 Dakota Street S. Item was withdrawn by the petitioner. No action taken.
- 13) ABE South Dakota, LLC requested permission, as per site plan submitted, to construct an addition to an existing ethanol plant, consisting of 4 bins and a grain handling and scale buildings, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Lot 4, Wheat Growers West Subdivision and Lot 2, HGF Addition in the North ½ Sect. 21-T123N-R64W, a.k.a. 38471 133rd Street. Richard Peterson, Brett Hoffmann, and Jeff Thorne were present to represent the property. Following discussion Weigel moved and Schumacher seconded to approve with the following stipulations: 1) Property must be replatted into one parcel prior to permitting, and 2) A permit must be obtained prior to work commencing. Upon roll call, all members voting aye with Babcock abstaining, the motion carried. **SPECIAL EXCEPTION APPROVED .**

- 2) Jarrett Jones requested permission, as per site plan submitted, to permit the installation of an off-premise sign as an accessory land use in addition to an existing primary use, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Shishnia's First Addition, a.k.a. 13297 393rd Avenue. Jarrett Jones was present to represent the property. Following further discussion VanDeRostyne moved and Weigel seconded to approve with the following stipulations: 1) No additional freestanding signs shall be allowed on Lots 1 or 2, Shishnia's First Addition, 2) No illegal or unpermitted signs, vehicle signs or other temporary signs without property permitting, 3) If either business ceases, that portion of sign must be removed and not replaced, and 4) Permit must be obtained with penalty applied for installation without a permit in place. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .

VanDeRostyne moved and Winter seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
May 10, 2018