

BOARD OF ZONING ADJUSTMENT
May 14, 2020

The Board of Zoning Adjustment Meeting was held on Thursday, May 14, 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 Hubbart, City Planner, and Eric Miller, City Planner.

Grebner moved and VanDeRostyne seconded to approve the Board of Zoning Adjustment minutes of April 9, 2020, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Bob Sieh requested permission, as per site plan submitted, to construct an 11'x11' shed 18' from the North property line rather than the required 25', which would be a 7' Building Variance, all on Lot 14, Block 2, Homes Are Possible Seventh Subdivision, a.k.a. 1307 Warren Drive. Bob Sieh was present to represent the property. Following discussion Schumacher moved and Grebner seconded to deny. Upon roll call, Weigel-aye, VanDeRostyne-aye, Babcock-aye, Grebner-aye, Schumacher-aye (4-aye,1-nay), the motion carried. **BUILDING VARIANCE DENIED** .
- 2) Adam Sprengeler requested permission, as per site plan submitted, to construct a 12'x16' shed 1) 4.5' from the East property line rather than the required 10', which would be a 5.5' Building Variance and 2) 1.5' from the South property line rather than the required 10', which would be an 8.5' Building Variance, all on Lot 10, Block 12, Third Addition to the Highlands North Addition to Aberdeen, a.k.a. 404 Sixteenth Avenue NE. Adam Sprengeler was present to represent the property. Following discussion Schumacher moved and VanDeRostyne seconded to deny. Upon roll call, Weigel-nay, VanDeRostyne-aye, Babcock-aye, Grebner-aye, Schumacher-aye (4-aye,1-nay), the motion carried. Following further discussion Schumacher moved and VanDeRostyne seconded to approve 5.5' from the East property line and 10' from the South property line. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 3) Ward Schumacher requested permission, as per site plan submitted, to permit the open storage of an 8'x20' storage container, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lots 9-10, Block 47, Bennett & Thomas Addition, a.k.a. 612 Fourth Street N. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Must meet or exceed 30' rear setback, 2) This special exception is for Ward Schumacher only, as long as he is the owner of the property. Container must be removed if property is sold, and 3) Container must be maintained in good condition at all times. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 4) Performance Rentals, LLC requested permission, as per site plan submitted, to permit the placement of a 1,000 gallon propane tank to fill 20 pound cylinders for sale and exchange on site, which would be an Appeal to the Board of Zoning Adjustment in the (C-2) Highway Commercial Zoning District, all on Lots 11-13 and the East 16.5' of Lot 14, Block 8, Nicollet Park Addition, a.k.a. 1115 & 1123 Sixth Avenue SE. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and Weigel seconded to

approve with the following stipulations: 1) These two properties must be replatted into one parcel prior to tank being placed on property (if tank is on East lot, no platting is required), 2) Any and all Fire Marshal requirements must be met, and 3) Minimum 30' setback from all Residential Districts, unless Building or Fire Code require greater separation. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .

- 5) Performance Rentals, LLC requested permission, as per site plan submitted, to permit the placement of a 1,000 gallon propane tank to fill 20 pound cylinders for sale and exchange on site, which would be an Appeal to the Board of Zoning Adjustment in the (C-2) Highway Commercial Zoning District, all on Lot A, Fischer-Gross First Northside Addition, a.k.a. 1525 Eighth Avenue NE. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) Any and all Fire Marshal requirements must be met, and 2) Minimum 30' setback from all Residential Districts, unless Building or Fire Code require greater separation. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .
- 6) Ted Lepkowski and Mike Carrels requested permission, as per site plan submitted, to permit the open storage of vehicles, trailers and similar equipment, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Lot 1, Mike Carrels Addition, a.k.a. 421 Railroad Avenue SE. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) Open storage shall be limited to licensed and operable equipment and vehicles stored North of building, 2) No storage on Railroad R.O.W., 3) Property must be maintained in a neat and orderly manner at all times, and 4) This Special Exception is for Ted Lepkowski as long as he is the tenant only. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 7) Dan Zumbaum requested permission, as per site plan submitted, to place a 20'x24' garage 5' from the East property line rather than the required 30', which would be a 25' Building Variance, all on Lot 2, McFarland-Zumbaum First Addition, a.k.a. 411 Fourth Avenue SW. Dan Zumbaum was present to represent the property. Following discussion Schumacher moved and Babcock seconded to deny, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Grebner seconded to approve with the following stipulations: 1) Moving Permit and Building Permit must be obtained, 2) All required inspections must be completed, 3) Garage must be removed from current location by June 30, 2020, and 4) Current foundation must be removed, site graded, and seeded with grass by Dan Zumbaum by June 30, 2020. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 8) KKF, LLC requested permission, as per site plan submitted, to permit an additional 18sf of Freestanding signage for a total of 373sf of Freestanding Signage rather than the permitted 300sf, which would be a 73sf Freestanding Sign Size Variance, all on Lot 2, Ken's Supermarket First Addition to the City of Aberdeen, a.k.a. 2105 Sixth Avenue SE. Cory Appl of Ken's Shell Express 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 Grebner moved and Schumacher 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. **FREESTANDING SIGN SIZE VARIANCE APPROVED** .

- 9) RGR Development, LLC requested permission, as per site plan submitted, to 1-6) permit six twin homes 0' from shared property lines rather than the permitted 8', which would be six 8' Setback Variances and 7) plat one lot that is 32.24' in width rather than the required 60', which would be a 27.76' Minimum Lot Width Variance and 8) 50.57' in width rather than the required 60', which would be a 9.43' Minimum Lot Width Variance and 9) 40.6' in width rather than the required 60', which would be a 19.4' Minimum Lot Width Variance and 10) 44.6' in width rather than the required 60', which would be a 15.4' Minimum Lot Width Variance and 11) 40.84' in width rather than the required 19.16' Minimum Lot Width Variance, all on Lots 1-6, Arthur's Court Addition, a.k.a. 1717, 1719, 1721, 1723, 1725, and 1727 Arthur's Court. Attorney's Adam Altman, Rod Tobin, & Jason Erickson and Chad Huff & Cory Huff were present to represent the property. Following discussion Grebner 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, and 4) Plat must be approved by Planning Commission and City Council and filed with Brown County Register of Deeds office. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCES AND MINIMUM LOT WIDTH VARIANCES APPROVED .**
- 10) Gould Rivett Real Estate Development requested permission, as per site plan submitted, to permit a group project consisting of two twin home structures on one lot, which would be a Special Exception in the (R-2/R-4) Medium Density/Special Density Residential Zoning District, all on Lot 2, Rivett's Second Camelot Estates Subdivision, a.k.a. 602 Lancelot Drive. Attorney's Adam Altman, Rod Tobin, & Jason Erickson and Chad Huff & Cory Huff were present to represent the property. Following discussion Grebner moved and Weigel 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, and 4) Plat must be approved by Planning Commission and City Council and filed with Brown County Register of Deeds office. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED .**
- 11) Rachel Rohrbach requested 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 19, Draeger's Rearrangement of Block 11, Draeger & Yeager's Addition, a.k.a. 1310 Fifth Avenue SE. Rachel Rohrbach was present to represent the property. Following discussion Grebner moved and VanDeRostyne 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 .**

- 12) Chad Gardner requested permission, as per site plan submitted, for 1) existing residence to remain 2' from the South property line rather than the required 5', which would be a 3' Building Variance and 2) 4.5' from the North property line rather than the required 5', which would be a .5' Building Variance, all on Lot 2 & the North 30' of Lot 3, Block 15, First Addition to the Highlands, a.k.a. 1115 Penn Street N. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and Schumacher seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE S APPROVED** .
- 13) Richard Lanz requested permission, as per site plan submitted, for 1) existing residence to remain 3.5' from the North property line rather than the required 5', which would be a 1.5' Building Variance and 2) 10' from the West property line rather than the required 25', which would be a 15' Building Variance in order to 3) replace a deck and covered porch 8' from the West property line rather than the required 25', which would be a 17' Building Variance, all on Lots 10-11, Block 5, Hagerty & Lloyd Addition to Aberdeen, a.k.a. 702 Kline Street N. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and Weigel 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. **BUILDING VARIANCES APPROVED** .
- 14) Jordan & Amanda Gauer requested permission, as per site plan submitted, for 1) existing residence to remain 30.5' from the East property line rather than the required 35', which would be a 4.5' Building Variance and 2) 9' from the North property line rather than the required 10', which would be a 1' Building Variance and 3) for unattached garage to remain 2' from the South property line rather than the required 10', which would be an 8' Building Variance in order to 4) construct a 6'x9' deck 21' from the East property line rather than the required 25', which would be a 4' Building Variance, all on The 70' North of the South 180.79' of Highlands Outlot 6, a.k.a. 1119 Jay Street N. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and Schumacher seconded to approve items #1-3, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** . Following further discussion VanDeRostyne moved and Weigel seconded to approve item #4 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. **BUILDING VARIANCE APPROVED** .
- 15) The Aberdeen Development Corporation requested permission, as per site plan submitted, to construct a building that does not meet the zero property line setback requirement for new construction, which would be an Appeal to the Board of Zoning Adjustment in the Aberdeen Commercial Historic District, all on Lot 1, Malchow's First Addition, a.k.a. 506 Main Street S. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Plans must be submitted and approved by Planning Commission, 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** .

- 16) Samantha Conn requested permission, as per site plan submitted, for 1) existing residence to remain 13' from the East property line rather than the required 15', which would be a 2' Building Variance and 2) existing garage to remain 21' from the East property line rather than the required 25', which would be a 4' Building Variance, in order to 3) construct a 10'x24' addition to existing garage 21' from the East property line rather than the required 25', which would be a 4' Building Variance, all on Lot 1, HAPI 2009-2 Subdivision, a.k.a. 804 Thirteenth Street S. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and VanDeRostyne seconded to approve items #1-2, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following further discussion Grebner moved and Weigel seconded to approve item #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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .

Weigel moved and Grebner seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
May 14, 2020