

BOARD OF ZONING ADJUSTMENT
June 11, 2020

The Board of Zoning Adjustment Meeting was held on Thursday, June 11, 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 May 14, 2020, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) James Thares requested permission, as per site plan submitted, to construct a 35'x52' unattached accessory structure 25' from the West property line rather than the required 35', which would be a 10' **Building Variance, all on Lot 14, Boulevards Subdivision in the SE¼ Sect. 6-T123N-R63W, a.k.a. 2610 Pheasant Run Boulevard.** John Kokales of Quest Development & Construction was present to represent the property. Following discussion Grebner moved and Schumacher seconded to deny. Upon roll call, Weigel-aye, VanDeRostyne-aye, Babcock-aye, Grebner-aye, Schumacher-nay (4-aye,1-nay), the motion carried. **BUILDING VARIANCE DENIED .**
- 2) Frank Infante and Ron Wagner requested permission, as per site plan submitted, to permit the open storage parking and sale of vehicles and moving vehicle rentals, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Lots 1&2, Block 16, Original Plat of Aberdeen, a.k.a. 6 First Street S. Frank Infante was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) This Special Exception is for Frank Infante, as long as he is operator of proposed use, 2) All vehicles must be licensed and operable and available for sale or rent at this location, 3) No vehicles may be parked or stored in 35' corner visibility triangles at the NE and NW corners of the property, 4) Property must be maintained in a neat and orderly manner at all times, and 5) Permits must be obtained for all signs that have been installed on this property illegally. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED .**
- 3) Jon Peterson requested permission, as per site plan submitted, to construct a 30'x40' unattached accessory structure 1) 10' from the North property line rather than the required 25', which would be a 15' **Setback Variance** and 2) in the front yard of the property rather than the required rear yard, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Jon Peterson Addition, a.k.a. 314 Fifth Avenue NE. Jon Peterson was present to represent the property. Following discussion Grebner moved and Schumacher seconded to deny item #1. Upon roll call, Weigel-aye, VanDeRostyne-nay, Babcock-aye, Grebner-nay, Schumacher-aye (3-aye,2-nay), the motion failed. Following further discussion Grebner moved and VanDeRostyne seconded to approve item #1 as a 28' x 40' unattached garage, 12' from the North lot line and 27' from the East lot line 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. **SETBACK VARIANCE APPROVED .**

Following further discussion VanDeRostyne moved and Grebner seconded to approve item #2, all members voting aye, the motion carried. **APPEAL APPROVED** .

- 4) Julia Dvorak requested permission, as per site plan submitted, 1) permit an accessory structure without a primary structure, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit an accessory structure in the side yard rather than the permitted rear yard of the property, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 7, Burrish Subdivision of Block 10, Pierson's Subdivision, a.k.a. 223 Park Street S. Julie Dvorak was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the stipulation that plans must be approved and a permit obtained by May 1, 2021 to start construction on a primary structure that will be completed within the life of said permit (2 years maximum). Upon roll call, all members voting aye, the motion carried. **APPEALS APPROVED** .
- 5) Chris Castellano requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, which would be a Special Exception in the (C-3) Central Business District, all on The West 92' of Lots 7-10, Block 40, Thomas Addition, a.k.a. 929 Main Street S. 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) Property must be maintained in a neat and orderly manner at all times, 2) All vehicles must be licensed and operable and waiting for repair or maintenance or customer pick-up, 3) No storage or parking within corner visibility areas, and 4) This Special Exception is for Chris Castellano, as long as he is the owner/operator of proposed use. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 6) Michael Shannon requested permission, as per site plan submitted, to construct a 10'x12' accessory structure, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lots 19-20, Pierce's Subdivision of Block 103, Hagerty & Lloyd Addition, a.k.a. 507 Arch 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: 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) Replat of property must be approved and filed with Brown County Register of Deeds. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 7) Xiomara Puentes-Peguero requested permission, as per site plan submitted, for 1) existing residence to remain 11' from the West property line rather than the required 25', which would be a 14' Building Variance and 2) unattached garage to remain 2' from the North property line rather than the required 5', which would be a 3' Building Variance and 3) 1' from the East property line rather than the required 5', which would be a 4' Building Variance, all on Lot 11, Block 21, Bennett & Thomas Addition, a.k.a. 520 Lincoln Street N. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .
- 8) Dakota Lakes Marine requested permission, as per site plan submitted, to permit the open storage, parking or sale of boats, boat lifts, trailers and accessories, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 1, Schopp Properties First Subdivision, a.k.a. 305 Brown County Highway 19 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) This approval is for Dakota Lakes Marine as long as they are owner/operator of proposed use, 2) All boats, docks, lifts, trailers, etc. must be licensed, operable as necessary and in good repair and available for sale, 3) Property must be maintained in a neat and orderly manner at all times, and 4) No illegal or unpermitted signs may be displayed on property. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 9) Delbert & Pamela Dutenhoffer requested permission, as per site plan submitted, to permit the construction of six townhomes, which will be located 0' from shared lot lines, rather than the permitted 8', which would be six 8' Building Setback Variances, all on Lot 1, Block 1, D&G Tenth Subdivision of Roosevelt Crystals Subdivision, a.k.a. 2012 Prospect Avenue SE. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **BUILDING SETBACK VARIANCES APPROVED** .
- 10) Linda McQuillen requested permission, as per site plan submitted, for 1) existing 20'x20' unattached garage to remain 14' from the North property line rather than the permitted 25', and 2) for existing residence to remain 12' from the North property line rather than the permitted 15', which would be a 3' Building Variance, all on Lots 17-18, Block 8, Sullivan & Easton's Addition to Aberdeen, a.k.a. 924 Main Street N. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .

Grebner moved and Weigel seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
June 11, 2020