

BOARD OF ZONING ADJUSTMENT
June 14, 2018

The Board of Zoning Adjustment Meeting was held on Thursday, June 14, 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 Grebner, VanDeRostyne, Schumacher, Musel, and Babcock. Weigel was absent. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, Eric Miller, City Planner, Chad Nilson, Building Inspector, George Jones, GIS Technician, Barry Dunlavy, Building Inspector, David Dosch, Code Enforcement Officer, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Grebner moved and Musel seconded to approve the Board of Zoning Adjustment minutes of May 10, 2018, all members voting aye, the motion carried.

- 1) Kevin Weisbeck requested permission, as per site plan submitted, to 1) construct a 5,580sf 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 20' sidewalls rather than the permitted 10', which would be a 10' 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. Kevin Weisbeck was present to represent the property. Following discussion Schumacher moved and Musel seconded to approve with the following stipulations: 1) Permits must be obtained prior to construction, and 2) Accessory structure must be constructed to be aesthetically similar with similar materials on both structures. Upon roll call, all members voting aye, the motion carried.
APPEAL APPROVED & SIDEWALL HEIGHT VARIANCE APPROVED

- 2) Aberdeen School District 6-1 requested permission, as per site plan submitted, to 1) permit the installation of an electronic message center as part of a 27'x42' scoreboard, which would be a Special Exception in a residential zoning district and 2) to install 10 off-premise sign panels, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Aberdeen High School Second Subdivision, a.k.a. 2240 Roosevelt Street S. Bob Pitz of Aberdeen School District 6-1 was present to represent the property. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) EMC portion may be operated for authorized events at complex only, and 2) Sign permits shall be obtained prior to installation of the off-premise sign panels. Upon roll call, all members voting aye with Babcock abstaining, the motion carried.
SPECIAL EXCEPTION APPROVED AND APPEAL APPROVED

- 3) Charlene Red Thunder requested permission, as per site plan submitted, for 1) existing residence to remain 15' from the North property line rather than the required 25', which would be a 10' Building Variance, and 2) for existing detached garage to remain 0' from the West property line rather than the required 5', which would be a 5' Building Variance and 3) 0' from the South property line rather than the required 5', which would be a 5' Building Variance, in order to 4) construct a 4'x4' deck and stairs 6' from the North

property line rather than the required 15', which would be a 9' Building Variance, all on Lot 1, Foss Replat of Lots 17-18, Block 28, Replat of Thomas Addition, a.k.a. 15 Fifth Avenue NW. Derrick Molash was present to represent the property. Following discussion Grebner moved and Babcock seconded to approve agenda items #1-#3, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following further discussion Grebner moved and Musel seconded to approve agenda 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, 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .

- 4) Nancy Hansen and Darryl Atkins requested permission, as per site plan submitted, to provide 5 off-street parking stalls rather than the required 6 stalls, which would be a one Parking Stall Variance in order to construct a fourth dwelling unit in an existing multi-family residence, all on The East 71' of Lots 1-3, Block 3, Hagerty & Lloyd Addition, a.k.a. 620 Eighth Avenue NE. Darryl Atkins was present to represent the property. Following discussion Grebner moved and Musel seconded to approve in accordance with the previous action of the Zoning Board, all members voting aye with VanDeRostyne abstaining, the motion carried. **PARKING STALL VARIANCE APPROVED** .
- 5) Quentin Nieman requested permission, as per site plan submitted, for 1) existing residence to remain 21' from the East property line rather than the required 25', which would be a 4' Building Variance, and 2) for existing 20'x22' unattached garage to remain 3.5' from the North property line rather than the required 5', which would be a 1.5' Building Variance and 3) 2.5' from the West property line rather than the required 5', which would be a 2.5' Building Variance, in order to 4) construct a 4'x22' addition to unattached garage 2.5' from the West property line rather than the required 5', which would be a 2.5' Building Variance, all on Lot 3, Block 33, Bennett & Thomas Addition, a.k.a. 615 First Street N. Quentin Nieman was present to represent the property. Following discussion Grebner moved and Musel seconded to approve agenda items #1 - #3, all member voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following further discussion Grebner and Schumacher seconded to approve agenda 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 VARIANCES APPROVED** .
- 6) Roger Ackerman requested permission, as per site plan submitted, for existing residence to 1) remain 3.5' from the North property line rather than the required 5', which would be a 1.5' Building Variance and 2) 21' from the West property line rather than the required 25', which would be a 4' Building Variance, and 3) 8' from the South property line rather than the required 15', which would be a 7' Building Variance in order to 4) construct a 14'x21' and 14'x20' unattached garage 2.5' from the North property line rather than the required 5', which would be a 2.5' Building Variance and 5) 11' from the

South property line rather than the required 25', which would be a 14' Building Variance, all on Lot 7, Easton's Subdivision of Block 35, Bennett & Thomas Addition Except H-1, a.k.a. 402 Second Street N. Roger Ackerman was present to represent the property. Following discussion Grebner moved and Musel seconded to approve agenda items #1 - #3, all member voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following further discussion Grebner and VanDeRostyne seconded to approve agenda 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 VARIANCES APPROVED** .

- 7) Eisenbeis Mobile Home Park requested permission, as per site plan submitted, to place a 15'x77.5' mobile home 17' from the South property line rather than the required 25', which would be an 8' Building Variance, all on Lots 1-4, Except the South 300' of Lot 1, and Except 50'x108' Parcel and Except North 80' of Lots 1-4, Pierson's Subdivision, a.k.a. 115 Park Street S. Kathy Dosch and Attorney Julie Dvorak were present to represent the property. Following discussion Grebner moved and Schumacher 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. **BUILDING VARIANCES APPROVED** .
- 8) Todd Lechner requested permission, as per site plan submitted, for 1) existing residence to remain 41.5' from the South property line rather than the required 45', which would be a 3.5' Building Variance, in order to 2) construct a 10'x16' uncovered deck 31.5' from the South property line rather than the required 35', which would be a 3.5' Building Variance, all on The South 190' of Gedero's Outlot 5B, Replat of Evelo's Outlots 5&7, SE¼ Sect. 35-T123N-R64W, a.k.a. 528 Buick Drive. Todd Lechner was present to represent the property. Following discussion Musel moved and Grebner seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** . Following further discussion Grebner moved and Musel seconded to deny agenda item #2, all members voting nay, the motion failed. Following further 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. **BUILDING VARIANCES APPROVED** .
- 9) H&H Farms, LLP requested permission, as per site plan submitted, to 1) install an approach 209' West of the intersection of 385th Avenue on 134th Street rather than the required 500', which would be a 291' Approach Separation Variance, and 2) to install an approach 235' North of the intersection of 134th Street on 385th Avenue rather than the required 500', which would be a 265' Approach Separation Variance and 3) 240' South of an existing approach rather than the required 500', which would be a 260' Approach Separation Variance, all on Proposed Lot 1, J&J Hedges Subdivision in the SE¼ Sect. 21-T123N-R64W, a.k.a. 1750 385th Avenue. Jack Hollinsworth and Jeff & Janet

Hedges were present to represent the property. Steve Redler was present as a spokesperson for neighboring property owners to voice opposition to the proposed use of this property. Following discussion Musel moved and Schumacher seconded to approve, all members voting aye with Babcock abstaining, the motion carried.

APPROACH SEPERATION VARIANCES APPROVED .

- 10) Joe Kokales requested permission, as per site plan submitted, for 1) existing 1200sf accessory structure to remain, rather than the required 1188sf, which would be a 12sf Accessory Structure Lot Coverage Variance, in order to 2) construct an additional 34'x34' (1156sf) Accessory Structure, for a total of 2356sf rather than the permitted 1188sf, which would be an 1168sf Accessory Structure Lot Coverage Variance, and 2) to construct an 1156sf accessory structure in the side yard rather than the required rear yard of the property, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Clem Lindgren Counryaire Estates, in the NW¼ Sect. 11-T123N-R64W, a.k.a. 2327 Counryaire Estates. Joe Kokales was present to represent the property. Following discussion Grebner moved and Musel seconded to approve agenda #1, all members voting aye, the motion carried. **ACCESSORY STRUCTURE LOT COVERAGE VARIANCE APPROVED .** Following further discussion Grebner moved and Schumacher seconded to deny agenda item #2, all members voting nay, the motion failed. Following further discussion Musel moved and Grebner seconded to approve agenda item #2 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. **BUILDING VARIANCES APPROVED .** Following further discussion Musel moved and Grebner seconded to approve agenda 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. **APPEAL APPROVED .**
- 11) Dorothy Hermansen and Charles & Jill Hermansen requested permission, as per site plan submitted, to 1) plat a lot 51.5' wide rather than the permitted 60', which would be an 8.5' Minimum Lot Width Variance and 2) to construct a townhome 0' from the East lot line rather than the required 8', which would be an 8' Building Variance and 3) to construct a townhome 0' from the West lot line rather than the required 8', which would be an 8' Building Variance, all on Lot 1, Block 1, Roosevelt Estates First Subdivision, a.k.a. 2305 Sixteenth Avenue SE. Charles Hermansen was present to represent the property. Following discussion Grebner moved and Musel seconded to approve agenda items #1 - #3 with the following stipulations: 1) Plat must be filed with Brown County Register of Deeds, 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 with Babcock abstaining, the motion carried. **MINIMUM LOT WIDTH VARIANCE & BUILDING VARIANCES APPROVED .**
- 12) H&H Farms, LLP and Fischer Fireworks, LLC requested permission, as per site plan submitted, to operate a temporary fireworks stand for the 2018 SD Fireworks Season,

which would be a Special Exception in the Zoning Jurisdiction of the City of Aberdeen, all on The SE¼ Sect. 21-T123N-R64W, Except Lot 1 and Land Deeded, a.k.a. 38451 Highway 12W. Lucas Fischer 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 recommendations, 2) All signage must be permitted prior to installation, and 3) Approval is for 2018 Fireworks Season only. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED**.

- 13) Rivett Family Trust requested permission, as per site plan submitted, to 1) plat 5 lots with 0' of frontage on a Public ROW rather than the required 200', which would be five 200' Minimum Lot Frontage Variances and 2) to plat a lot that is 154.02' in width rather than the required 200', which would be a 45.98' Minimum Lot Width Variance, and 3) to plat a lot that is 117.22' in width rather than the required 200', which would be a 82.78' Minimum Lot Width Variance, all on Proposed Lots 1-5, River Horse Third Subdivision, in the NE¼ Sect. 4-T123N-R63W of the 5th PM, Brown County, South Dakota, a.k.a. 4603, 4640 and 4705 River Horse Drive. Attorney Adam Altman was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve, all members voting aye with Babcock abstaining, the motion carried. **MINIMUM LOT FRONTAGE VARIANCES AND MINIMUM LOT WIDTH VARIANCES APPROVED**.
- 14) Dustin & Sandra Tople requested permission, as per site plan submitted, to 1) permit the placement of a mobile home on property located within the (M-Ag) Mini-Agriculture Zoning District, which would be an Appeal to the Board of Zoning Adjustment and 2) to construct a 36'x40' Accessory Structure without a primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Fulker's Homestead Subdivision in the SE¼ Sect. 17-T123N-R64W, Brown County, South Dakota, a.k.a. 38382 133rd Street. Dustin & Sandra Tople were present to represent the property. County Commissioners Rachel Kippley and Nancy Hansen were also in attendance. Following discussion both items were withdrawn by the petitioners. No action taken.
- 15) Jim Lefor requested permission, as per site plan submitted, to construct a 14'x24' 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 1, Smith Improvement Addition, a.k.a. 2207 Twelfth Avenue SE. Jim Lefor was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve, all members voting aye, the motion carried. **APPEAL APPROVED**.
- 16) The LLC, requested permission, as per site plan submitted, to 1) construct a third apartment, unit on a lot that is 4600sf in size rather than the required 5000sf, which would be a 400sf Minimum Lot Size Variance, and 2) for a lot to remain 92' in depth rather than the permitted 100', which would be an 8' Minimum Lot Depth Variance, all on The North 92' of Lots 1-2, Block 40, Second Addition, a.k.a. 124 Sixth Avenue SE. Attorney Rod Tobin was present to represent the property. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) Property must be rezoned to High Density Residential District (R-3), 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 SIZE VARIANCE & MINIMUM LOT DEPTH VARIANCE APPROVED .**

- 17) Stu Nelson requests permission, as per site plan submitted, to reside an existing 14'x24' accessory structure in a manner that will not be aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, S&S Nelson Addition to the City of Aberdeen, a.k.a. 1615 Lincoln Street S. Stuart Nelson was present to represent the property. Following discussion Schumacher moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **APPEAL APPROVED.**

Grebner moved and VanDeRostyne seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
June 14, 2018