

**BOARD OF ZONING ADJUSTMENT**  
**July 9, 2020**

The Board of Zoning Adjustment Meeting was held on Thursday, July 9, 2020 in the Aberdeen City Hall, First Floor Council Chambers, Aberdeen, South Dakota with Weigel presiding as Acting Chairman. Acting Chairman Weigel called the meeting to order. Members present at roll call were VanDeRostyne, Fjeldheim, Weigel, Grebner, and Winter. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbard, City Planner, and Eric Miller, City Planner.

Grebner moved and Winter seconded to approve the Board of Zoning Adjustment minutes of June 11, 2020, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Paul Hoerner requested permission, as per site plan submitted, for existing garage to 1) remain 2' from the South property line rather than the required 5', which would be a 3' Building Variance, and 2) 0' from the East property line rather than the required 5', which would be a 5' Building Variance, and 3) for garage to remain in the side yard rather than the required rear yard of the property, which would be an Appeal to the Board of Zoning Adjustment, and 4) for existing residence to remain 3.5' from the North property line rather than the required 25', which would be a 21.5' Building Variance and 5) 1' from the West property line rather than the required 5', which would be a 4' Building Variance and 6) 10.5' from the South property line rather than the required 20', which would be a 9.5' Building Variance in order to 7) construct a front deck 1' from the West property line rather than the required 5', which would be a 4' Building Variance and 0' from the North property line rather than the required 15', which would be a 15' Building Variance, all on The West 71' of Lot 1, Anderson's Replat in the SE¼ Sect. 14-T123N-R64W, a.k.a. 711 Fourth Avenue SW. Paul Hoerner and Jim Keith of MEGA Construction were present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve agenda items 1-6, all members voting aye, the motion carried. **BUILDING VARIANCES AND APPEAL APPROVED**. Following further discussion Grebner moved and VanDeRostyne seconded to approve agenda item 7 with the following stipulations: 1) A plan is selected that will allow for access without encroaching into a public right-of-way, 2) 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. **BUILDING VARIANCES APPROVED**.
- 2) CWD Real Estate requested permission, as per site plan submitted, to 1) plat a lot that is 50' deep rather than the required 150', which would be a 100' Minimum Lot Depth Variance, and 2) to plat a lot that is 4441sf in size rather than the required 15,000sf, which would be a 10,559sf Minimum Lot Area Variance, and 3) to plat a lot that is 50' wide rather than the required 100', which would be a 50' Minimum Lot Width Variance and 4) 8246sf in size rather than the required 15,000sf, which would be a 6754sf Minimum Lot Area Variance and 5) to plat a lot that is 50' wide rather than the required 100', which would be a 50' Minimum Lot Width Variance and 6) 7103sf in size rather than the required 15000sf, which would be a 7897sf Minimum Lot Area Variance and 7) to plat a lot that is 99.9' in width rather than the required 100', which would be a .1' Minimum Lot Width Variance and 8) 85' in depth rather than the required 150', which would be a 65' Minimum Lot Depth Variance, and 9) 10,739.25sf in size rather than the required 15,000sf, which would be a 4260.75sf Minimum Lot Area Variance, and 10) to construct a 35'x70' Building 10' from the South property line rather than the required 25', which would be a 15' Setback Variance, all on Lot 1, Mardian

Fifth Subdivision, a.k.a. 102 Fourth Street S. Wayne Mardian was present to represent the property. Following discussion Grebner moved and Weigel seconded to approve agenda item #1. Upon roll call, VanDeRostyne-aye, Fjeldheim-aye, Weigel-aye, Grebner-aye, Winter-aye (1-aye,4-aye), the motion failed. **MINIMUM LOT DEPTH VARIANCE DENIED.** Following further discussion VanDeRostyne moved and Weigel seconded to deny agenda items #2-10. Upon roll call, VanDeRostyne-aye, Fjeldheim-aye, Weigel-aye, Grebner-aye, Winter-aye (3-aye,2-aye) the motion failed. Following further discussion Grebner moved to approve agenda items #2-10 but motion died due to lack of a second. **MINIMUM LOT AREA VARIANCES, MINIMUM LOT WIDTH VARIANCES, AND SETBACK VARIANCE DENIED.**

- 3) Mike Henning requested permission, as per site plan submitted, for 1) existing residence to remain 23' from the North property line rather than the required 25', which would be a 2' Building Variance and 2) to construct a 10'x20' carport 15' from the West property line rather than the required 25', which would be a 10' Building Variance, all on The West 75' of Lots 11&12, Block 15, First Addition to the Highlands, a.k.a. 706 Twelfth Avenue NE. Mike Henning was 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) Sides of carport may not be enclosed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED .**
- 4) Dabon, LLC and Ebel Trucking requested permission, as per site plan submitted, to 1) permit the operation of a truck and maintenance terminal, which would be an Appeal in the (C-2) Highway Commercial Zoning District and 2) to permit the open storage of trucks, trailers and equipment, which would be a Special Exception, and 3) to place a 1,000 gallon above ground fuel tank, which would be a Special Exception, all on Lot 4, Skyway Addition to the City of Aberdeen, a.k.a. 1021 Olive Drive. Travis Ebel was present to represent the property. Following discussion Fjeldheim moved and VanDeRostyne seconded to approve agenda item #1 with the following stipulations: 1) Access easement required to Highway property with no access on Olive Drive, and 2) One truck/trailer at property at any time, stored indoors when not in use. Upon roll call, VanDeRostyne-aye, Fjeldheim-aye, Weigel-aye, Grebner-aye, Winter-aye (3-aye,2-aye), the motion failed. **APPEAL DENIED .** No action taken on agenda item #2.
- 5) Todd Dahme requested permission, as per site plan submitted, for 1) existing residence to remain 20' from the East property line rather than the required 25', which would be a 5' Building Variance, and 2) to plat a lot that is 45' wide rather than the permitted 50', which would be a 5' Minimum Lot Width Variance and 3) to construct a 24'x28' unattached garage 3' from the West property line rather than the required 5', which would be a 2' Building Variance and 4) 2' from the North property line rather than the required 5', which would be a 3' Building Variance, all on Lot 3 and the North 7.5' of Lot 4, Block 15, Garden Park Addition, a.k.a. 1014 Tenth Street S. Todd & Gloria Dahme were present to represent the property. Following discussion VanDeRostyne moved and Fjeldheim seconded to approve agenda items #1 & 2, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Grebner moved and Weigel seconded to approve agenda items #3 & 4 with the following stipulations: 1) Plat must be filed, 2) Plans must be approved and permit obtained prior to construction, 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 nay, the motion failed. **BUILDING VARIANCES DENIED** .

- 6) Brian Delzer requested permission, as per site plan submitted, to construct a 6' tall privacy fence within the corner visibility triangle, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 7, Block 5, Gorder's Second Addition, a.k.a. 1628 Third Street S. Bryan and Becky Delzer were present to represent the property. Following discussion VanDeRostyne moved and Winter seconded to deny. Upon roll call, VanDeRostyne-aye, Fjeldheim-nay, Weigel-aye, Grebner-nay, Winter-aye (3-aye,2-nay), the motion failed. Following further discussion Grebner moved and Weigel seconded to approve. Upon roll call, VanDeRostyne-nay, Fjeldheim-aye, Weigel-nay, Grebner-aye, Winter-nay (2-aye,3-nay), the motion failed. **APPEAL DENIED** .
- 7) Quantum Properties, LLC requested permission, as per site plan submitted, to permit the use of an existing building as warehousing and commercial storage, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lots 27&28, Auto Plaza Addition, a.k.a. 629 Circle Drive. Neil Bellikka was present to represent the property. Following discussion Fjeldheim moved and VanDeRostyne seconded to approve with the following stipulations: 1) No outside storage, and 2) All Conlin's signs and sign structures must be removed to comply with sign ordinance pertaining to termination of business. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 8) Sarah Ryan requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in a (R-2) Medium Density Residential Zoning District, all on The South 25' of Lot 5 and Lot 6, Block 9, First Addition to Highland, a.k.a. 1204 Penn 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) 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** .
- 9) Bailey Anderson requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in a (R-3) High Density Residential Zoning District, all on Lot 10, Block 6, HAPI Third Central Subdivision, a.k.a. 1820 Central Loop. 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) Any provided yard/play area must be maintained as a fenced in area. Fence must be installed by October 1, 2020, 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.**

- 10) Chonie Bullock requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in a (R-5) Trailers, Trailer Parks and Planned Residential Area Zoning District, all on Lot 1, Lakeside Estates First Addition, a.k.a. 103 Seventh Curve. 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) Any provided yard/play area must be maintained as a fenced in area. 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 .**

Acting Chairman Weigel continued with other business:

- 1) Brett Bill introduced Joe Gaa as new City Manager.

Grebner moved and VanDeRostyne seconded to adjourn the meeting.

---

Paula Nelson  
Board of Zoning Adjustment Secretary  
July 9, 2020