

**BOARD OF ZONING ADJUSTMENT**  
**July 11, 2019**

The Board of Zoning Adjustment Meeting was held on Thursday, July 11, 2019 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 Musel, Grebner, Babcock, and Weigel. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, Eric Miller, City Planner, Chris Brick, Building Inspector, Barry Dunlavy, Building Inspector, George Jones, GIS Technician, Shane Smith, 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 July 11, 2019, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Dennis Thompson requested permission, as per site plan submitted, for existing residence to remain 5' from the North property line rather than the required 10', which would be a 5' Building Variance, all on Lots 9-12, Block 26, Corrected Plat of the Highlands, a.k.a. 1405 Second Street N. Dennis Thompson was present to represent the property. Following discussion Grebner moved and Weigel seconded to approve with the following stipulations: 1) Property pins must be located for inspection and setbacks must be verified, and 2) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 2) Pam Catlette requested permission, as per site plan submitted, for 1) existing residence to remain 23' from the East property line rather than the required 25', which would be a 2' Building Variance, and 2) 12.5' from the North property line rather than the required 15', which would be a 2.5' Building Variance, all on Lot 1, Block 3, Golden Acres First Subdivision, a.k.a. 715 High Street N. Pam Catlette was present to represent the property. Following discussion Grebner moved and Musel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .
- 3) Steven Rhodes requested permission, as per site plan submitted, for 1) existing residence to remain 1' from the North property line rather than the required 5', which would be a 4' Building Variance, and 2) 23'8" from the East property line rather than the required 25', which would be a 1'4" Building Variance, in order to 3) construct a 2'x4' deck 0' from the North property line rather than the required 5', which would be a 5' Building Variance, all on Lot 2, Block 23, First Addition to the Highlands of Aberdeen, a.k.a. 917 Penn Street N. Steven Rhodes was present to represent the property. Following discussion Grebner moved and Musel seconded to approve agenda items #1 and #2, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following further discussion Grebner moved and Musel 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, 3) All required inspections must be completed, 4) Easement must be obtained from neighbor and filed with the Brown County Register of Deeds Office, and 5) Any required fire codes must be adhered to in regards to separation from neighboring house. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .

- 4) Aberdeen BMX, Inc. requested permission, as per site plan submitted to 1) permit the installation of a 5'8"x9' (51sf) freestanding sign, rather than the permitted 16sf, which would be a 35sf Sign Size Variance and 2) to permit an off-premise sign, which would be an Appeal to the Board of Zoning Adjustment in the (R-3) High Density Residential Zoning District, all on Lot 2, Brown County Commission Second Subdivision, a.k.a. 1111 First Avenue SE. Kyle Oswald of Aberdeen BMX, Inc. was present to represent the property. Following discussion Grebner moved and Musel seconded to approve agenda item #1, upon roll call Weigel-nay, Babcock-aye, Grebner-aye, Musel-aye (3-aye,1-nay), the motion failed. Grebner moved and Weigel seconded to bring the item as requested back on table for discussion, all members voting aye, the motion carried. Following further discussion Weigel moved and Grebner seconded to approve agenda item #1 with the stipulation that a sign permit must be obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **SIGN SIZE VARIANCE APPROVED** . Following further discussion Grebner moved and Musel seconded to deny agenda item #2, all members voting nay, the motion carried. Following further discussion Grebner moved and Musel seconded to approve agenda item #2, all members voting aye, the motion carried. **APPEAL APPROVED** .
- 5) Gould Rivett Real Estate requested permission, as per site plan submitted, for existing residence to 1) remain 0' from the West property line rather than the required 8', which would be an 8' Building Variance and 2) 2' from the East property line rather than the required 8', which would be a 6' Building Variance and 3) 20'3" from the North property line rather than the required 25', which would be a 4'9" Building Variance, all on Lot 11, Arthur's Court Addition, a.k.a. 1716 Arthur's Court. There being no representative present this item was moved to the end of the agenda.
- 6) Gould Rivett Real Estate requested permission, as per site plan submitted, for existing residence to 1) remain 0' from the North property line rather than the required 8', which would be an 8' Building Variance and 2) 0' from the South property line rather than the required 8', which would be an 8' Building Variance and 3) 20' from the East property line rather than the required 25', which would be a 5' Building Variance, and 4) 19'2" from the West property line rather than the required 20', which would be a 10" Building Variance, all on Lot 13, Block 1, Second Addition to Camelot Estates, a.k.a. 1713 Arthur's Court. There being no representative present this item was moved to the end of the agenda.

- 7) Gould Rivett Real Estate requested permission, as per site plan submitted, for existing residence to 1) remain 0' from the North property line rather than the required 8', which would be an 8' Building Variance and 2) 0' from the South property line rather than the required 8', which would be an 8' Building Variance and 3) 20' from the East property line rather than the required 25', which would be a 5' Building Variance, and 4) 19'2" from the West property line rather than the required 20', which would be a 10" Building Variance, all on Lot 12, Block 1, Second Addition to Camelot Estates, a.k.a. 1712 Arthur's Court. There being no representative present this item was moved to the end of the agenda.
- 8) Shirley Sharpe requested permission, as per site plan submitted, for existing residence to remain 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 15, Arthur's Court Addition, a.k.a. 1715 Arthur's Court. There being no representative present this item was moved to the end of the agenda.
- 9) Cory Gelling requested permission, as per site plan submitted, to construct a 22'x26' unattached garage 12' from the South property line rather than the required 25', which would be a 13' Building Variance, all on Lot 7, Hyde & Lockington's First Addition to Aberdeen, a.k.a. 1720 Marshall Road. Mark Jung was present to represent the property. Following discussion Grebner moved and Musel seconded to deny, all members voting nay, the motion carried. 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. Upon roll call, all members voting aye, the motion carried.  
**BUILDING VARIANCE APPROVED .**
- 10) Vivian Murphy requested permission, as per site plan submitted, for 1) existing residence to remain 17.5' from the East property line rather than the required 25', which would be a 7.5' Building Variance and 2) existing detached garage to remain 19'5" from the South property line rather than the required 25', which would be a 5'7" Building Variance in order to 3) construct front landing and stairs 10' from the East property line rather than the required 15', which would be a 5' Building Variance, all on The South 75' of Lots 11-12, Block 20, Thomas Addition, a.k.a. 820 Kline Street S. There being no representative present this item was moved to the end of the agenda.
- 11) Ken Cartney requested permission, as per site plan submitted, to permit the open storage and parking of vehicles, trailers and miscellaneous equipment, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 1, Cartney First Addition, a.k.a. 720 Sixth Avenue SE. Ken Cartney was present to represent the property. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) Storage to take place on former foundation of previous Cartney Bearing building only. Owner may fence the area if they choose too, 2) Only storage of vehicles and items used

for business at Cartney Bearing may be stored, 3) No off-premise storage may take place on lot, and 4) Special Exception shall become null and void if property is sold. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED .**

- 10) Vivian Murphy requested permission, as per site plan submitted, for 1) existing residence to remain 17.5' from the East property line rather than the required 25', which would be a 7.5' Building Variance and 2) existing detached garage to remain 19'5" from the South property line rather than the required 25', which would be a 5'7" Building Variance in order to 3) construct front landing and stairs 10' from the East property line rather than the required 15', which would be a 5' Building Variance, all on The South 75' of Lots 11-12, Block 20, Thomas Addition, a.k.a. 820 Kline Street S. Brett Bill was present to represent the property. Following discussion Grebner moved and Musel seconded to approve, all members voting aye, the motion carried. Upon roll call, all members voting aye, the motion carried. **BUILDING VAIRANCES APPROVED .**
- 5) Gould Rivett Real Estate requested permission, as per site plan submitted, for existing residence to 1) remain 0' from the West property line rather than the required 8', which would be an 8' Building Variance and 2) 2' from the East property line rather than the required 8', which would be a 6' Building Variance and 3) 20'3" from the North property line rather than the required 25', which would be a 4'9" Building Variance, all on Lot 11, Arthur's Court Addition, a.k.a. 1716 Arthur's Court. Sherry Kraft of Gould Real Estate was present to represent the property. Following discussion Grebner moved and Musel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED .**
- 6) Gould Rivett Real Estate requested permission, as per site plan submitted, for existing residence to 1) remain 0' from the North property line rather than the required 8', which would be an 8' Building Variance and 2) 0' from the South property line rather than the required 8', which would be an 8' Building Variance and 3) 20' from the East property line rather than the required 25', which would be a 5' Building Variance, and 4) 19'2" from the West property line rather than the required 20', which would be a 10" Building Variance, all on Lot 13, Block 1, Second Addition to Camelot Estates, a.k.a. 1713 Arthur's Court. Sherry Kraft of Gould Real Estate was present to represent the property. Following discussion Grebner moved and Musel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED .**
- 7) Gould Rivett Real Estate requested permission, as per site plan submitted, for existing residence to 1) remain 0' from the North property line rather than the required 8', which would be an 8' Building Variance and 2) 0' from the South property line rather than the required 8', which would be an 8' Building Variance and 3) 20' from the East property line rather than the required 25', which would be a 5' Building Variance, and 4) 19'2" from the West property line rather than the required 20', which would be a 10" Building Variance, all on Lot 12, Block 1,

Second Addition to Camelot Estates, a.k.a. 1712 Arthur's Court. Sherry Kraft of Gould Real Estate was present to represent the property. Following discussion Grebner moved and Musel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .

- 8) Shirley Sharpe requested permission, as per site plan submitted, for existing residence to remain 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 15, Arthur's Court Addition, a.k.a. 1715 Arthur's Court. Sherry Kraft of Gould Real Estate was present to represent the property. Following discussion Grebner moved and Musel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .

Chairman Babcock continued with other business as follows:

- 1) Brett Bill stated that this is Mark Musel's last meeting and presented him with a plaque recognizing his 10 years of membership on the Board of Zoning Adjustment.

Weigel moved and Musel seconded to adjourn the meeting.

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Paula Nelson  
Board of Zoning Adjustment Secretary  
July 11, 2019