

BOARD OF ZONING ADJUSTMENT
July 12, 2018

The Board of Zoning Adjustment Meeting was held on Thursday, July 12, 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, Schumacher, VanDeRostyne, Babcock, and Weigel. 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, Shane Smith, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Grebner moved and Schumacher seconded to approve the Board of Zoning Adjustment minutes of June 14, 2018, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Christina Flack 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 (R2) Medium Density Residential Zoning District, all on Lot 5, Roosevelt Estates Second Subdivision, a.k.a. 1738 Mel Ros Drive. Brandon Flack 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. Fence must be installed by June 1, 2019, 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.**
- 2) New Life Fellowship Church requested permission, as per site plan submitted, to install a 32sf freestanding real estate sign rather than the permitted 8sf, which would be a 24sf Sign Variance, all on Lot 3, Evan's Third Subdivision, a.k.a. 1409 Roosevelt Street N. There being no representative present this item was moved to the end of the agenda.
- 3) Michele Gruenstein requested permission, as per site plan submitted, for 1) existing residence to remain .34' from the North property line rather than the required 5', which would be a 4.66' Building Variance, 2) 1.2' from the South property line rather than the required 15', which would be a 13.8' Building Variance and 3) 17.9' from the West property line rather than the required 25', which would be a 7.1' Building Variance, and 4) for existing shed and deck to remain 1.2' from the North property line rather than the required 5', which would be a 3.8' Building Variance, and 5) to permit a lot to remain with

24.96' of frontage rather than the permitted 50', which would be a 25.04' Minimum Lot Width Variance, all on Lot 13 and the South 5' of Lot 14, Block 10, Hagerty & Lloyd Addition to Aberdeen, a.k.a. 602 Kline Street N. Angela Kelly Steinbach was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES AND MINIMUM LOT WIDTH VARIANCE APPROVED** .

- 4) 6th Ave Pit Stop, Inc. requested permission, as per site plan submitted, for 1) existing gas canopy to remain 10' from the South property line rather than the required 45', which would be a 35' Building Variance, and 2) for existing convenience store to remain 10' from the East property line rather than the required 25', which would be a 15' Building Variance, and 3) 30' from the North property line rather than the required 45', which would be a 15' Building Variance, in order to 4) construct an 8'x12' addition to casino 30' from the North property line rather than the required 45', which would be a 15' Building Variance, all on Lots 1-7, Block 53, West Aberdeen Addition, Except Lot H-1, a.k.a. 802 Sixth Avenue SW. Joe Hoffert was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve agenda items #1 - #3, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following further discussion Schumacher moved and Grebner seconded to deny agenda item #4, all members voting nay, the motion failed. Following further discussion Grebner moved and Schumacher seconded to approve agenda item #4 with the following stipulations: 1) Casino Addition shall not permit smoking in accordance with state law prohibiting smoking in all commercial establishments, 2) Property must be replatted into one parcel, 3) Plans must be approved & a permit obtained prior to construction, 4) All required inspections must be completed, 5) Property lines must be located to verify setbacks, and 6) Full site plan must be submitted including parking layout to provide for existing and proposed portions of building. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 5) Gene Kopetsky requested permission, as per site plan submitted, to plat a lot that is 36' wide rather than the required 50', which would be a 14' Minimum Lot Width Variance, all on Proposed Lot 1, Kopetsky Addition to the City of Aberdeen, a.k.a. 518 Kline Street N. Gene Kopetsky was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED** .
- 6) Fairview Baptist Church and Dakota Estates II, LLC requested permission, as per site plan submitted, to 1) permit an off-premise sign in a (R-2) Unrestricted Zoning District, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit 64sf of freestanding signage rather than the permitted 16sf, which would be a 48sf Freestanding Sign Size Variance, all on Lot 10, Gugel's First Subdivision in the SW¼ Sect. 6-T123N-R63W, a.k.a. 901 Twenty-fourth Avenue NE. There being no representative present this item was moved to the end of the agenda.
- 7) Carrel's Rental Properties I, LLC requested permission, as per site plan submitted, for existing residence to remain 1) 16' from the North property line rather than the required 25', which would be a 9' Building Variance, 2) 14' from the East property line rather than

the required 15', which would be a 1' Building Variance, 3) existing steps to remain 7' from the East property line rather than the required 10', which would be a 3' Building Variance and 4) existing detached garage to remain 0' from the South property line rather than the required 5', which would be a 5' Building Variance and 5) 15' from the East property line rather than the required 25', which would be a 10' Building Variance, in order to 6) replace existing stairs 13' from the North property line rather than the required 15', which would be a 2' Building Variance, all on Lot 1, Block 21, Thomas Addition, a.k.a. 324 Ninth Avenue SE. John Kokales was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) Permit was obtained at time of application but 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 VARIANCES APPROVED** .

- 8) Dacotah Bank requested permission, as per site plan submitted, to 1) install two blade signs for The Brass Kettle, rather than the permitted one, which would be a 1 Blade Sign Variance and 2) to install 3 blade signs for Arrow Boutique rather than the permitted one, which would be a 2 Blade Sign Variance and 3) to install 2 blade signs for Pinned rather than the permitted one, which would be a 1 Blade Sign Variance and 4) to install two internally illuminated blade signs, which would be an Appeal to the Board of Zoning Adjustment and 5) to install a 25sf blade sign rather than the permitted 16sf, which would be a 9sf Blade Sign Variance and 6) to install a 33.75sf blade sign rather than the permitted 16sf, which would be a 17.75sf Blade Sign Variance, all on Lot 1, Dacotah Bank Second Addition, a.k.a. 308 Main Street S. Travis Schaunaman & Paul McDonald were present to represent the property. Following discussion Schumacher moved and Weigel seconded to deny. Upon roll call, Weigel-aye, VanDeRostyne-nay, Babcock-nay, Schumacher-nay, Grebner-nay (1-aye,4-nay), the motion failed. Following further discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) Sign permits must be obtained prior to erection of signs, and 2) Signs must be fixed; no movement allowed. Upon roll call, Weigel-nay, VanDeRostyne-aye, Babcock-aye, Schumacher-aye, Grebner-aye (4-aye,1-nay), the motion carried. **BLADE SIGN VARIANCES & APPEAL APPROVED** .
- 9) Dion Dargatz requested permission, as per site plan submitted, to 1) construct a secondary approach 330' West of an existing approach on the same property rather than the required 500', which would be a 170' Approach Separation Variance and 2) to construct a secondary approach 95' East of a neighboring property approach rather than the required 500', which would be a 405' Approach Separation Variance, all on The North 290' of 400' West of the East 455' of the NE¼ of Sect. 32-T124N-R64W, a.k.a. 38393 129th Street. Dion Dargatz was present to represent the property. Following discussion Schumacher moved and Weigel seconded to deny. Upon roll call, Weigel-aye, VanDeRostyne-aye, Babcock-aye, Schumacher-aye, Grebner-nay (4-aye,1-nay), the motion carried. **APPROACH SEPARATION VARIANCES DENIED** .
- 10) Camlin Investments requested permission, as per site plan submitted, for 1) existing residence to remain 2'4" from the West property line rather than the required 5', which would be a 2'8" Building Variance, and 2) 14'3" from the South property line rather than

the required 25', which would be a 10'9" Building Variance and 3) deck to remain 9' from the South property line rather than the required 15', which would be a 6' Building Variance, in order to 4) construct a 16'x24' 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 and 5) 20' from the South property line rather than the required 25', which would be a 5' Building Variance, all on The West 15' of Lot 1 & Lot 2, Anderson's Replat of Lots 5-6, Block 5, North Aberdeen Addition, a.k.a. 117 Second Avenue NE. Brian Jarvis was present to represent the property. Following discussion Grebner moved and Weigel seconded to approve agenda items #1 - #3, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following further discussion Schumacher moved and Grebner seconded to deny agenda items #4 & #5, all members voting aye, the motion carried. **APPEAL AND BUILDING VARIANCE DENIED** .

- 11) Marshall Oster requested permission, as per site plan submitted, for 1) existing residence to remain 12' from the South property line rather than the required 15', which would be a 3' Building Variance, and shed to remain 2.5' from the North property line rather than the required 5', which would be a 2.5' Building Variance and 3) unattached garage to remain 4' from the East property line rather than the required 5', which would be a 1' Building Variance, all on Lot 13, Block 12, Sullivan & Easton Addition, a.k.a. 1004 First Street N. Marshall Oster was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .
- 12) Bruce Zeller requested permission, as per site plan submitted, to permit the open storage of fill material and construction equipment, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Lots 1-12, Block 52, Bennett & Thomas Addition and Vacated ROW, a.k.a. 101 Third Street N. Bruce Zeller was present to represent the property. Following discussion Schumacher moved and Grebner seconded to approve with the following stipulations: 1) All code enforcement concerns must be addressed immediately, 2) Property must be replatted and plans determined for future construction, 3) Any zoning board approval and building plan approval must be obtained and construction started within 2 years of today's date. Failure to do so will cause Special Exception to become null & void and property must be reclaimed to comply with all applicable codes at that time, and 4) Special Exception is for Bruce Zeller as long as he is owner, sale or transfer of property within the life of this 2 year timeframe will negate approval. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 13) Mikaela Waiflein requested permission, as per site plan submitted, for 1) existing residence to remain 24' from the East property line rather than the required 25', which would be a 1' Building Variance and 2) 10' from the West property line rather than the required 20', which would be a 10' Building Variance, and 3) for existing pergola to remain 3' from the West property line rather than the required 5', which would be a 2' Building Variance, all on Lot 9, Draeger's Rearrangement of Block 10, Draeger & Yeager's Addition, a.k.a. 504 High Street S. Mikaela Waiflein was present to represent the property. Following discussion Grebner moved and Schumacher seconded to

approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED .**

- 14) Mark Selzler requested permission, as per site plan submitted, for existing residence to remain 19' from the West property line rather than the required 25', which would be a 6' Building Variance, all on Lot 11, Block 6, North Aberdeen Addition, a.k.a. 320 Lincoln Street N. Mark Selzler was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED .**
- 15) Matt Koenigeur requested permission, as per site plan submitted, to 1) permit two dwelling units on a lot that is 8400sf in size rather than the required 10,000sf, which would be a 1600sf Minimum Lot Size Variance and 2) to permit a second dwelling unit rather than the permit 1 unit, which would be a one-unit Maximum Lot Density Variance, all on Lot 3, Block 2, Clark's First Addition to Mel Ros Estates, a.k.a. 1614 Twelfth Avenue SE. Matt Koenigeur was present to represent the property. Following discussion Grebner moved and Babcock seconded to deny, all members voting aye, the motion carried. **MINIMUM LOT SIZE VARIANCE AND MAXIMUM LOT DENSITY VARIANCE DENIED.**
- 16) The Aberdeen Development Corporation requested permission, as per site plan submitted, to permit the installation of 47 parking stalls rather than the required 90 stalls, which would be a 43 stall Parking Stall Variance, all on Lot 3, Centennial Commons Second Addition, a.k.a. 3407 Gruman Avenue SE. Dean Marske of HKG Architects was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) Must comply with all landscape & storm water requirements, and 2) Upon notification by city offices additional parking will be required as appropriate. Upon roll call, all members voting aye, the motion carried. **PARKING STALL VARIANCE APPROVED .**
- 17) The Aberdeen Development Corporation requested permission, as per site plan submitted, to permit the installation of 101 parking stalls rather than the required 204 stalls, which would be a 103 stall Parking Stall Variance, all on Lot 1, Centennial Commons Fourth Addition, a.k.a. 3502 Gruman Avenue SE. Dean Marske of HKG Architects was present to represent the property. Following discussion Weigel moved and Grebner seconded to approve with the following stipulations: 1) Must comply with all landscape & storm water requirements, and 2) Upon notification by city offices additional parking will be required as appropriate. Upon roll call, all members voting aye, the motion carried. **PARKING STALL VARIANCE APPROVED .**
- 2) New Life Fellowship Church requested permission, as per site plan submitted, to install a 32sf freestanding real estate sign rather than the permitted 8sf, which would be a 24sf Sign Variance, all on Lot 3, Evan's Third Subdivision, a.k.a. 1409 Roosevelt Street N. Paul Rowenhorst was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Property lines must be located and sign must be placed to meet 10' setback, 2) Sign must be removed within 2 years or when property is purchased, which occurs first, 3)

Property owner must obtain sign permit, and 4) No other real estate signs may be placed on property. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED .**

- 6) Fairview Baptist Church and Dakota Estates II, LLC requested permission, as per site plan submitted, to 1) permit an off-premise sign in a (R-2) Unrestricted Zoning District, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit 64sf of freestanding signage rather than the permitted 16sf, which would be a 48sf Freestanding Sign Size Variance, all on Lot 10, Gugel's First Subdivision in the SW $\frac{1}{4}$ Sect. 6-T123N-R63W, a.k.a. 901 Twenty-fourth Avenue NE. Mike Wagner was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to deny, all members voting aye, the motion carried. **APPEAL AND FREESTANDING SIGN VARIANCE DENIED .**

VanDeRostyne moved and Grebner seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
July 12, 2018