

BOARD OF ZONING ADJUSTMENT
August 8, 2019

The Board of Zoning Adjustment Meeting was held on Thursday, August 8, 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 Schumacher, Grebner, Fjeldheim, Babcock, and Weigel. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, Barry Dunlavy, Building Inspector, George Jones, GIS Technician, David Dosch, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Grebner moved and Weigel 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) Jordan and Natalie Casanova 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 Lot 17, Block 6, Forest Acres Third Addition, a.k.a. 1615 Seventh Street S. Jordan Casanova was present to represent the property. Following discussion Grebner moved and Schumacher 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 .**
- 2) Jensen Properties, LLC requested permission, as per site plan submitted, to plat a lot in the (I-2) Unrestricted Industrial Zoning District with 66' of frontage rather than the required 100', which would be a 34' Minimum Lot Width Variance, all on Proposed Lot 1, Jensen Rock and Sand First Addition, a.k.a. 911 Eighth Street S. There being no representative present this item was moved to the end of the agenda.
- 3) Larry Kumpf requested permission, as per site plan submitted, to 1) plat a lot in the (R-3/R-4) High Density/Special Density Residential Zoning District with 45' of frontage rather than the required 50', which would be a 5' Minimum Lot Width

Variance, and 2) for existing residence to remain 20' from the South property line rather than the required 25', which would be a 5' Building Variance and 3) 2'4" from the West property line rather than the required 5', which would be a 2'8" Building Variance in order to construct an addition that will comply with all setbacks, all on Lot 4 Fossum's Subdivision and the West 13' of Lot 9, Block 6, Thomas Addition, a.k.a. 509 Eleventh Avenue SE. There being no representative present this item was moved to the end of the agenda.

- 4) Eric Hagen requested permission, as per site plan submitted, for 1) existing residence to remain 27' from the East property line rather than the required 35', which would be an 8' Building Variance, and 2) for existing shed 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, all on Lot 1, Block 7, Fifteenth Addition to Highlands North, a.k.a. 2003 State Street N. Eric Hagen was present to represent the property. Following discussion Grebner moved and Schumacher 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 AND APPEAL APPROVED** .
- 5) Craig Fischer requested permission, as per site plan submitted, for 1) existing residence to remain 4'1" from the South property line rather than the required 15', which would be a 10'11" Building Variance, and 2) 22'1" from the West property line rather than the required 25', which would be a 2'11" Building Variance in order to 3) construct a landing and stairs 0' from the South property line rather than the required 10', which would be a 10' Building Variance, all on Lot 7, Block 23, First Addition to Highlands, a.k.a. 902 Lloyd Street N. Craig Fischer was present to represent the property. Following discussion Grebner moved and Fjeldheim seconded to approve agenda items #1 and #2, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following further discussion Grebner moved and Schumacher 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. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 6) Aberdeen Dental requested permission, as per site plan submitted, to construct a freestanding sign 16' from the South property line rather than the required 20', which would be a 4' Building Variance, all on Lot 1, Steele-Teigen Addition in the **SW¼ Sect. 16-T123N-R63W, a.k.a. 4015 Steele Avenue SE**. Mark Erickson and Kris Teigen were present to represent the property. Following discussion Grebner moved and Schumacher seconded to deny. Upon roll call, Weigel-aye, Fjeldheim-aye, Babcock-aye, Grebner-nay, Schumacher-aye (4-aye,1-nay), the motion carried. **BUILDING VARIANCE DENIED** .

- 9) Lamont Companies and Chad & Jennifer Sietsma requested permission, as per site plan submitted, to 1) permit a 32sf off-premise real estate sign, which would be an Appeal to the Board of Zoning Adjustment and 2) to permit a 32sf real estate sign rather than the permitted 8sf, which would be a 24sf Sign Size Variance, all on Lot 6, Block 1, Willowwood Addition, a.k.a. 1102 Larkspur Lane. Sabrina Metz was present to represent the property. Following discussion Grebner moved and Schumacher seconded to deny, all members voting aye, the motion carried. **SIGN SIZE VARIANCE DENIED**. Following further discussion Grebner moved and Weigel seconded to approve a four square foot or smaller directional sign. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED WITH SIZE MODIFICATION** .
- 7) Lamont Companies requested permission, as per site plan submitted, to permit a 32sf real estate sign rather than the permitted 8sf, which would be a 24sf Sign Size Variance, all on Lot 1, Block 9, Willowwood Fourth Addition, a.k.a. 1008 Lamont Street S. Sabrina Metz was present to represent the property. Following discussion Weigel moved and Grebner seconded to approve with a stipulation that no additional real estate signs may be placed within this subdivision. Following further discussion Weigel withdrew his motion. Following further discussion Grebner made a motion to approve with the stipulation that proposed sign must be removed at the time of sale of last available lot. Motion died for lack of a second. Following further discussion Weigel made a motion to approve as recommended with the stipulation that once 50% of available lots are sold the large sign must be removed. Motion died for lack of a second. Following further discussion Weigel moved and Schumacher seconded to approve with a stipulation that no additional real estate signs may be placed within this subdivision. Following further discussion Weigel moved and Schumacher seconded to amend motion on the table to instead read “no additional real estate signs, by Lamont Companies, may be placed within this subdivision”. Upon roll call, all members voting aye, the motion to amend carried. Upon roll call, all members voting aye, the motion as amended carried. **SIGN SIZE VARIANCE APPROVED** .
- 8) Lamont Companies requested permission, as per site plan submitted, to permit a 32sf real estate sign rather than the permitted 8sf, which would be a 24sf Sign Size Variance, all on Lot 2, Block 3, Willowwood Fourth Addition, a.k.a. 1026 Illinois Street S. Sabrina Metz was present to represent the property. Following discussion Grebner moved and Weigel seconded to approve with the stipulation that no additional real estate signs, by Lamont Companies, may be placed within this subdivision. Upon roll call, all members voting aye, the motion carried. **SIGN SIZE VARIANCE APPROVED** .
- 10) Teryl Jensen requested permission, as per site plan submitted, to place an 8’x14’ shed in the side street setback rather than the required rear yard of the property, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Melody Lane Addition, a.k.a. 1500 Melody Lane. Teryl Jensen was present to represent the property. Following discussion Grebner moved and Weigel

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. **APPEAL APPROVED** .

- 11) Roger Hutcheson requested permission, as per site plan submitted, for 1) existing residence to remain 27' from the East property line rather than the required 35', which would be an 8' Building Variance, 2) 8' from the South property line rather than the required 10', which would be a 2' Building Variance, and 3) 8' from the North property line rather than the required 10', which would be a 2' Building Variance, all on Lot 27, Block 4, Replat of Gorder's Fourth Addition, a.k.a. 1871 Eisenhower Circle. Roger Hutcheson was 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. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .
- 12) Lance Vilhauer requested permission, as per site plan submitted, to construct a 6'8"x12'4" shed in the side yard rather than the required rear yard, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Lance Vilhauer Addition, a.k.a. 1603 Eighth Street S. Lance Vilhauer was present to represent the property. Following further discussion Weigel moved and Grebner seconded to deny, all members voting nay, the motion failed. Following further discussion Weigel moved and Grebner 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. **APPEAL APPROVED** .
- 13) Avera St. Luke's requested permission, as per site plan submitted, to place a portable 1000-gallon fuel trailer at the helipad location, which would be an Appeal to the Board of Zoning Adjustment in the (R3/HC) High Density Residential/Healthcare Zoning District, all on Lot 1, Avera St. Luke's Addition, a.k.a. 305 State Street S. Travis Struss of Avera St. Luke's was present to represent the property. Following discussion Schumacher moved and Grebner seconded to approve with the following stipulations: 1) Must comply with setback and corner visibility requirements, 2) Must comply with all Fire Marshal requirements for setbacks, fire separation, containment, etc. as applicable. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .
- 2) Jensen Properties, LLC requested permission, as per site plan submitted, to plat a lot in the (I-2) Unrestricted Industrial Zoning District with 66' of frontage rather than the required 100', which would be a 34' Minimum Lot Width Variance, all on Proposed Lot 1, Jensen Rock and Sand First Addition, a.k.a. 911 Eighth Street S.

Attorney Jay Gellhaus was present to represent the property. Following discussion Grebner moved and Weigel seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED** .

- 3) Larry Kumpf requested permission, as per site plan submitted, to 1) plat a lot in the (R-3/R-4) High Density/Special Density Residential Zoning District with 45' of frontage rather than the required 50', which would be a 5' Minimum Lot Width Variance, and 2) for existing residence to remain 20' from the South property line rather than the required 25', which would be a 5' Building Variance and 3) 2'4" from the West property line rather than the required 5', which would be a 2'8" Building Variance in order to construct an addition that will comply with all setbacks, all on Lot 4 Fossum's Subdivision and the West 13' of Lot 9, Block 6, Thomas Addition, a.k.a. 509 Eleventh Avenue SE. Stacy Harty of S & S Construction was present to represent the property. Following discussion Grebner moved and Fjeldheim seconded to approve with the following stipulations: 1) Property must be replatted, 2) Property pins must be location 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. **MINIMUM LOT WIDTH VARIANCE AND BUILDING VARIANCES APPROVED** .

Weigel moved and Schumacher seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
August 8, 2019