

BOARD OF ZONING ADJUSTMENT
August 13, 2020

The Board of Zoning Adjustment Meeting was held on Thursday, August 13, 2020 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 Weigel, VanDeRostyne, Babcock, Grebner, and Schumacher. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, and Eric Miller, City Planner.

Grebner moved and Weigel seconded to approve the Board of Zoning Adjustment minutes of July 9, 2020, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Shannon Aman requested permission, as per site plan submitted, to 1) place a 8'x10' shed 17' from the West property line rather than the required 25', which would be an 8' Building Variance and 2) 3' from the South property line rather than the required 5', which would be a 2' Building Variance, all on Lot 1, Block 1, Wright & Sudlow's First Addition, a.k.a. 510 Weber Street N. Shannon Aman was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to deny, all members voting aye, the motion carried. **BUILDING VARIANCE S DENIED**.
- 2) Cherine Klein requested permission, as per site plan submitted, to 1) enlarge and replace a covered porch (8'x26'5") 22'7" from the East property line rather than the required 25', which would be a 2'5" Building Variance or 2) to replace same size covered porch 23'10" from the East property line rather than the required 25', which would be a 1'2" Building Variance, all on Lot 2, Block 23, Thomas Addition, a.k.a. 1108 Kline Street S. Cherine Klein and Antonio Perez of DeCante Construction were present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to deny agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED**. Following further discussion Grebner moved and Schumacher 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. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED**.
- 3) Vigoda Holdings, LLC requested permission, as per site plan submitted, for 1) existing residence to remain 0' from the East property line rather than the required 5', which would be a 5' Building Variance in order to 2) construct a new 6'x8' covered porch 20' from the South property line rather than the required 25', which would be a 5' Building Variance, all on Lot 14, Block 2, Woolverton Addition, a.k.a. 823 Seventh Avenue SE. Brandon Smith was present to represent the property. Following discussion Weigel moved and Grebner seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED**. Following further discussion VanDeRostyne 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 with penalty applied for work completed without permit, 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**.

- 4) Craig Wells requested permission, as per site plan submitted, to construct a 24'x40' unattached garage with 14' sidewalls rather than the permitted 10', which would be a 4' Maximum Sidewall Height Variance, all on Lot 3, Park Ridge Estates Fourth Addition, a.k.a. 2110 Sixteenth Avenue NW. Craig Wells was present to represent the property. Following discussion Schumacher moved and VanDeRostyne seconded to deny. Upon roll call, Weigel-aye, VanDeRostyne-aye, Babcock-aye, Grebner-nay, Schumacher-aye (4-aye, 1-nay), the motion carried. **MAXIMUM SIDEWALL HEIGHT VARIANCE DENIED** . Following discussion Grebner moved and Weigel seconded to approve 12' sidewalls rather than the permitted 10' which would be a 2' Maximum Sidewall Height Variance. Upon roll call, Weigel-nay, VanDeRostyne-nay, Babcock-nay, Grebner-aye, Schumacher-nay (1-aye, 4-nay), the motion failed. **MAXIMUM SIDEWALL HEIGHT VARIANCE DENIED** .
- 5) Kiropa Properties, LLC requested permission, as per site plan submitted, to 1) provide 109 parking stalls rather than the required 250, which would be a 141 stall Parking Variance and 2) to provide 3 off-street loading and unloading stalls rather than the permitted 11, which would be an 8 Stall Parking Variance, all on Lot 1, Lamont Second Addition, a.k.a. 3502 Seventh Avenue SE. Darren Dell, Chad Huff, and Mark Malchow were present to represent the property. Following discussion VanDeRostyne moved and Schumacher seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion Grebner moved and Schumacher seconded to approve agenda item #1 with the following stipulations: 1) Drainage plan must be submitted, and 2) Access Easement from Wal-Mart must be obtained prior to permitting. Upon roll call, all members voting aye, the motion carried. **PARKING STALL VARIANCE APPROVED** . Following further discussion Grebner moved and Schumacher seconded to approve agenda item #2 the following stipulations: 1) Drainage plan must be submitted, and 2) Access Easement from Wal-Mart must be obtained prior to permitting. Upon roll call, all members voting aye, the motion carried. **PARKING STALL VARIANCE APPROVED** .

Grebner exited the meeting at this time.

- 6) Rodney Brandlee requested permission, as per site plan submitted, for 1) existing residence to remain 10' from the South property line rather than the required 15', which would be a 5' Building Variance and 2) for existing unattached garage to remain 0' from the East property line rather than the required 5', which would be a 5' Building Variance and 3) 20.5' from the South property line rather than the required 25', which would be a 4.5' Building Variance, in order to 4) construct a new 5'x8' covered porch 18' from the West property line rather than the required 25', which would be a 7' Building Variance, all on Lot 7, Block 26, First Addition to Highlands, a.k.a. 802 Lloyd Street N. Rodney Brandlee was present to represent the property. Following discussion Weigel moved and VanDeRostyne seconded to approve agenda items #1 - #3. Upon roll call, Weigel-aye, VanDeRostyne-aye, Babcock-aye, Schumacher-aye (4-aye, 0-nay), the motion carried. **BUILDING VARIANCE S APPROVED** . Grebner re-entered the meeting at this time. Following further discussion Schumacher moved and VanDeRostyne seconded to deny agenda item #4. Upon roll call, Weigel-aye, VanDeRostyne-nay, Babcock-nay, Grebner-nay, Schumacher-nay (1-aye, 4-nay), the motion failed. Following further discussion VanDeRostyne moved and Grebner seconded to approve agenda item #4, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 7) Plaza Rentals, LLP requested permission, as per site plan submitted, to 1) construct a mini-storage building in a (C-2) Highway Commercial Zoning District, which would be a Special Exception, and 2) to construct a mini-storage building that is 40' wide rather than the

permitted 30', which would be a 10' Maximum Width Variance, all on Lot 6, Auto Plaza Addition, a.k.a. 818 Circle Drive. Tim Lefforge was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve agenda item #1 with the following stipulations: 1) Plans must be approved and permit obtained prior to construction, 2) Property must comply with all requirements for sidewalks, landscaping, and fire code, and 3) If not currently in place, an access easement must be provided to access units on property to the south, or the properties must be combined with a plat to provide access to the existing storage units south of this site. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** . Following further discussion Grebner moved and Schumacher seconded to approve agenda item #2, all members voting aye, the motion carried. **MAXIMUM WIDTH VARIANCE APPROVED** .

- 8) Lori Boettcher requested permission, as per site plan submitted, to 1) Plat a lot that is 50' deep rather than the permitted 142', which would be a 92' Minimum Lot Depth Variance, and 2) 45' wide rather than the required 75', which would be a 30' Minimum Lot Width Variance and 3) plat a lot that is 48' deep rather than the permitted 142', which would be a 94' Minimum Lot Depth Variance in order to 4) construct a laundromat 30' from the East property line rather than the permitted 45', which would be a 15' Minimum Setback Variance and 5) to permit the provision of 8 off-street parking stalls rather than the required 14, which would be a 6 stall Parking Stall Variance, all on Lot 1, Cartney First Addition to Aberdeen, a.k.a. 720 Sixth Avenue SE. Lori Boettcher was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve agenda items #1-#2 with the following stipulations: 1) The off-premise sign on proposed Lot 1 must be operated and maintained in accordance with City Ordinance at all times, 2) Property must be improved with all sidewalks installed where required by ordinance and all remaining land planted with grass or other suitable ground cover and maintained as long as property is utilized by the off-premise sign, and 3) Property to remain dedicated to use for off-premise sign with no additional uses until sign is removed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT DEPTH VARIANCE AND MINIMUM LOT WIDTH VARIANCE APPROVED** . Following further discussion Grebner moved and VanDeRostyne seconded to approve agenda items #3-#5 with the following stipulations: 1) Plat must be filed with Register of Deeds Office, 2) Plans must be approved and permit obtained, and 3) Sidewalks must be installed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT DEPTH VARIANCE, MINIMUM SETBACK VARIANCE, AND PARKING STALL VARIANCE APPROVED** .
- 9) Terry Larson requested permission, as per site plan submitted, to 1) permit 4 freestanding signs rather than the permitted 1, which would be a 3 Freestanding Sign Variance and 2) to permit 1282sf of freestanding signage rather than the permitted 225sf, which would be a 1057sf Freestanding Sign Variance and 3) to permit 1611sf of total signage rather than the permitted 597.15sf, which would be a 1013.85sf Sign Variance, all on Lot 1, Larson & Battest First Addition, a.k.a. 2601 Sixth Avenue SE. Terry Larson and Linda Fordham of Fordham Signs were present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve with the stipulation that sign permits must be obtained prior to installation and no fee permits will be prepared to permit all other existing unrecorded signs on lot. Upon roll call, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCES AND SIGN VARIANCE APPROVED** .
- 10) The City of Aberdeen, Powder River Development and Black & Veatch requested permission, as per site plan submitted, to extend an existing cellular communication tower from 69' to 101', which would be a Special Exception in the (I-2) Unrestricted Industrial

Zoning District, all on Lot 1, Safeguard/ADC Subdivision, a.k.a. 2830 Industrial Avenue NE. Ryan Streff of Powder River Development was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve with the following stipulations: 1) Applicant must provide proof of notice to Avera St. Luke's and Sanford Hospitals explaining height of structure in relation to helicopter operation, 2) FAA approval must be obtained prior to permitting, and 3) Engineer stamped plans must be submitted and approved prior to permitting. Upon roll call, all members voting aye with Schumacher abstaining, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 11) The City of Aberdeen, Powder River Development and Black & Veatch requested permission, as per site plan submitted, to extend an existing cellular communication facility, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Lot 1, Safeguard/ADC Subdivision, a.k.a. 2830 Industrial Avenue NE. Ryan Streff of Powder River Development was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Engineer stamped plans must be submitted and approved prior to permitting, and 2) All required inspections must be completed. Upon roll call, all members voting aye with Schumacher abstaining, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 12) CWD Real Estate requested permission, as per site plan submitted, to 1) plat a lot that is 99.9' wide rather than the required 100', which would be a .10' Minimum Lot Width Variance, and 2) to plat a lot that is 10,769sf in size rather than the required 15,000sf, which would be a 4,231sf 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) 13,830sf in size rather than the required 15,000sf, which would be a 1170sf Minimum Lot Area Variance, all on Lot 1, Mardian Fifth Subdivision, a.k.a. 102 Fourth Street S. Darcy Schock and Wayne Mardian were present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve agenda item #1, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED** . Following further discussion Grebner moved and VanDeRostyne seconded to approve agenda items #2 - #4 with the following stipulations: 1) Plat must be submitted, approved and filed with Register of Deeds, 2) Sidewalks must be installed where missing per City Ordinance, and 3) Plans must be approved and permits must be obtained prior to construction. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT AREA VARIANCES & MINIMUM LOT AREA WIDTH VARIANCE APPROVED**.
- 13) Aberdeen School District 6-1 requested permission, as per site plan submitted, to install a multicolor EMC sign panel on an existing freestanding sign, which would be a Special Exception for a school in an (R-2) Medium Density Residential Zoning District, all on Lot 1, Aberdeen Independent School District No. 32 Outlot 1, a.k.a. 2200 Dakota Street N. Troy McKibben was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Permit must be obtained prior to installation, 2) Must operate in accordance with City Ordinance, and 3) Not to be used between 10 p.m. and 7 a.m. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 14) Aberdeen School District 6-1 requested permission, as per site plan submitted, to install a multicolor EMC sign panel on an existing freestanding sign, which would be a Special Exception for a school in an (R-2) Medium Density Residential Zoning District, all on Lot 1, Simmons School Subdivision, a.k.a. 1400 Third Street S. Troy McKibben was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded

to approve with the following stipulations: 1) Permit must be obtained prior to installation, 2) Must operate in accordance with City Ordinance, and 3) Not to be used between 10 p.m. and 7 a.m. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 15) Aberdeen School District 6-1 requested permission, as per site plan submitted, to install a multicolor EMC sign panel on an existing freestanding sign, which would be a Special Exception for a school in an (M) Municipal, State and County Use Zoning District, all on Lot 1, Lincoln School Addition, a.k.a. 414 Tenth Street S. Troy McKibben was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Permit must be obtained prior to installation, 2) Must operate in accordance with City Ordinance, and 3) Not to be used between 10 p.m. and 7 a.m. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 16) Linda Wilson, requested permission, as per site plan submitted, for 1) existing residence to remain 3'4" from the East property line rather than the required 5', which would be a 1'8" Building Variance and 2) 2'5" from the West property line rather than the required 5', which would be a 2'7" Building Variance, and 3) 19' from the South property line rather than the required 25', which would be a 6' Building Variance and 4) existing garage to remain 3' from the West property line rather than the required 5', which would be a 2' Building Variance, all on The East 30' of Lot 9, Block 6, Thomas Addition, a.k.a. 511 Eleventh Avenue SE. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .
- 17) Dohn Keuseman requested permission, as per site plan submitted, to replace two sets of entry stairs 14' from the North property line rather than the required 15', which would be two 1' Building Variances, all on Lot 18, Block 18, Eighteenth Addition to the Highlands North, a.k.a. 804 Twenty-Third Avenue NE. City staff represented this item due to the COVID-19 pandemic. Following discussion Grebner moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .

Babcock continued with other business as follows:

- 1) Brett Bill explained that the City is granting licensed daycares the ability to watch additional children during the COVID-19 pandemic.

Grebner moved and VanDeRostyne seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
August 13, 2020