

BOARD OF ZONING ADJUSTMENT
September 13 , 2018

The Board of Zoning Adjustment Meeting was held on Thursday, September 13, 2018 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 Musel, VanDeRostyne, Weigel, Grebner, and Winter. 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, David Dosch, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Grebner moved and Winter seconded to approve the Board of Zoning Adjustment minutes of August 9, 2018, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Dacotah Bank requested permission, as per site plan submitted, to permit a 17'x22' accessory structure that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Dacotah Bank Second Addition to the City of Aberdeen, a.k.a. 308 Main Street S. Bruce Zeller was present to represent the property. Following discussion Grebner moved and Musel seconded to deny, all members voting nay, the motion failed. 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, 3) All required inspections must be completed, 4) Existing building must be removed, and 5) Existing fence must be replaced. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .
- 2) Paul & Stacey Almich requested permission, as per site plan submitted, to plat a lot that is 47' wide rather than the required 50', which would be a 3' Minimum Lot Width Variance, all on The North 27' of Lot 861 & the South 20' of Lot 862, Morning Heights Extended Addition, a.k.a. 1115 Aldrich Street S. Paul & Stacey Almich were present to represent the property. Following discussion Grebner moved and Winter seconded to approve with the stipulation that a plat must be approved by City Planning Commission & City Council and filed with the Brown County Register of Deeds Office. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED** .
- 3) Randall Weber requested permission, as per site plan submitted, to construct a 10'x16' accessory building 10' from the East property line rather than the required 30', which would be a 20' Building Variance, all on Lot 1, Weber First Corner Subdivision in Aberdeen, a.k.a. 208 Second Street N. Randall Weber was present to represent the property. Following discussion Musel moved and Grebner seconded to deny, all members voting nay, the motion failed. Following further discussion Musel 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, 3) All required inspections must be completed, 4) A petition to rezone must be approved, 5) All Fire Marshal stipulations must be adhered to, and 6) Unpermitted sign at 124 Third Ave NW must be removed and not replaced without obtaining proper sign permit. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .

- 4) Thomas Wipf requested permission, as per site plan submitted, to permit an existing accessory structure to remain on a property without the required primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Fulker's Homestead Subdivision, in the SE¼ Sect. 17-T123N-R64W, a.k.a. 38390 133rd Street. There being no representative present this item was moved to the end of the agenda.
- 5) Northwestern Energy requested permission, as per site plan submitted, to 1) install a dedicated tower for advanced metering infrastructure, which would be an Appeal to the Board of Zoning Adjustment, and 2) to construct a tower that is 65' tall rather than the permitted 45', which would be a 20' Maximum Height Variance, all on Greenwood Lane Public ROW adjacent to the North side of Prairiewood Outlot B, a.k.a. Greenwood Lane Public ROW West of Prairiewood Drive on the South side of road. Chelsey Sheridan of Clark Engineering was present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to approve with the stipulation that a zoning permit must be obtained prior to installation. Upon roll call, all members voting aye with Weigel abstaining, the motion carried. **APPEAL AND MAXIMUM HEIGHT VARIANCE APPROVED.**
- 6) Arnold Mehlhoff and Verizon Wireless requested permission, as per site plan submitted, to 1) construct a monopole wireless communications tower and facility, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, and 2) to construct a tower that is 105' tall rather than the permitted 45', which would be a 60' Maximum Height Variance, all on Lots 13-16, Block 17, East Park Addition and the West ½ of Vacated Hunt Street Public ROW, a.k.a. 1810 Third Avenue SE. Rick Adams, Agent Verizon Wireless, was present to represent the property. Following discussion VanDeRostyne moved and Winter seconded to deny. Following further discussion VanDeRostyne moved and Winter seconded to withdraw the motion on the table, all members voting aye, the motion carried. Following further discussion Winter moved and Grebner seconded to table this item pending further clarification from City Attorney. Upon roll call, all members voting aye, the motion carried.
- 7) Avera St. Luke's and Sherri Rawstern requested permission, as per site plan submitted, to construct a 24'x24' unattached garage 18' from the South property line rather than the required 25', which would be a 7' Building Variance, all on Lot 1, Rawstern-Avera St. Luke's Consolidating Subdivision, a.k.a. 321 Kline Street S. Chris Frost was present to represent the property. Following discussion Grebner moved and Winter seconded to deny. Upon roll call, Musel-nay, VanDeRostyne-aye, Weigel-aye, Grebner-nay, Winter-aye (2-nay,3-aye), the motion failed. Following further discussion Grebner moved and Winter seconded to approve 21' from the South property line rather than the required 25', which would be a 4' building variance. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 8) Cambria Land Co. and Mark Sayler requested permission, as per site plan submitted, to 1) permit the open storage of vehicle's, RV's, boats or similar items, which would be an Appeal to the Board of Zoning Adjustment in the (M-Ag) Mini-Agriculture Zoning District, and 2) to construct an accessory building without a primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, J&G Barringer First Subdivision in the NE¼ Sect. 15-T123N-R64W, a.k.a. 2305 Eighth Avenue NW. Mark Sayler was present to represent the property. David Feickert, Terry Dean Huffman, and Angela Huffman were present and spoke in opposition to this request. Following discussion VanDeRostyne

moved and Musel seconded to deny agenda items #1 and #2, all members voting aye, the motion carried. **APPEAL DENIED** .

- 9) Don Bonn requested permission, as per site plan submitted, to construct a 10'x20' accessory building in the side yard area rather than the required rear yard of the property, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Bonn's Addition, Except H-1, a.k.a. 920 Sixth Avenue SW. Don Bonn was present to represent the property. Following 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, 3) All required inspections must be completed, and 4) Shed must be sided aesthetically similar to the primary building. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .
- 10) Arthur Russo requested permission, as per site plan submitted, to 1) reside an existing accessory structure with a material that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit 5000sf of accessory structure lot coverage rather than the permitted 4178sf, which would be an 822sf Maximum Accessory Structure Lot Coverage Variance, all on Lot 2, Russo Addition, a.k.a. 1710 Main Street N. Arthur Russo 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. **APPEAL AND MAXIMUM ACCESSORY STRUCTURE LOT COVERAGE VARIANCE APPROVED** .
- 11) The Aberdeen Development Corporation and Alexz Smith requested permission, as per site plan submitted, to permit the installation of 47 parking stalls rather than the required 90, which would be a 43 Parking Stall Variance, all on Lot 2, Centennial Commons Second Addition, a.k.a. 110 Centennial Street S. Dean Marske of HKG Architects was present to represent the property. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) Must comply with all landscape and stormwater requirements, and 2) Upon notification by city offices, additional parking included on site plan must be installed if necessary. Upon roll call, all members voting aye, the motion carried. **PARKING STALL VARIANCE APPROVED** .
- 12) Premier Auto requested permission, as per site plan submitted, to 1) permit the open storage, parking or sale of junk, unlicensed or inoperable vehicles, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, and 2) Permit an off-premise sign to remain on the property as an accessory land use, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Second Overpass Addition, a.k.a. 103 Second Street N. Mike Jepsen of Premier Auto was present to represent the property. Attorney Chris Haar was present and asked the board to consider similar stipulations as were imposed on Jeff Hieb of Jeff's Marine earlier this year. Following discussion VanDeRostyne moved and Weigel seconded to deny agenda item #1, all members voting aye, the motion carried. **SPECIAL EXCEPTION DENIED** . Following further discussion agenda item #2 was withdrawn by the petitioner. No action taken.
- 13) Dustin and Sandra Tople requested permission, as per site plan submitted, to permit an operation and maintenance terminal for trucks and other equipment consisting of a 40'x50' accessory building, which would be a Special Exception in the (M-Ag) Mini-Agriculture Zoning District, all on Lot 1, Fulker's Homestead Subdivision in the SE¼ Sect. 17-T123N-

R64W, a.k.a. 38392 133rd Street. Dustin & Sandra Tople were present to represent the property. Following discussion this item was withdrawn by the petitioners. No action taken.

- 14) R&J Enterprises, LLC requested permission, as per site plan submitted, to 1) construct a 50'x80' accessory structure with 16' tall sidewalls rather than the permitted 10', which would be a Special Exception in the (C-2) Highway Commercial Zoning District, and 2) to construct a 50'x80' accessory structure that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Budget Furniture-Schumaker Subdivision in the NW¼ Sect. 22-T123N-R63W, a.k.a. 5350 Highway 12 E. Mike Nold was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to deny agenda #1, all members voting nay, the motion failed. Following further discussion Grebner moved and VanDeRostyne seconded to approve agenda item #1 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. **SPECIAL EXCEPTION APPROVED**. Following further discussion Grebner moved and Musel seconded to approve agenda item #2 with the stipulation that the proposed accessory structure is sided (2-toned) to be aesthetically similar to the existing East wall of the primary structure. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED**.
- 15) Clarence & Lori Habeck and Marvin Dombrowe requested permission, as per site plan submitted, to 1) permit the open storage, parking or sale of vehicles, tow trucks, towed vehicles and vehicles for sale, which would be a Special Exception in the (C-2) Highway Commercial and (I-2) Unrestricted Industrial Zoning Districts, and 2) to permit warehousing for towing business, which would be a Special Exception in a Highway Commercial District and 3) to permit an off-premise sign to remain on the property as an accessory land use, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, First Overpass Subdivision and the North 12.5' of the East 47'4" of Lot 10 and the East 47'4" of Lots 11-12, and the East 94'8" of Lots 7-9, Block 38, Bennett & Thomas Addition, a.k.a. 115 Second Avenue NW, and 114&124 First Avenue NW. Clarence & Lori Habeck were present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to deny agenda items #1 & #2, all members voting nay, the motion failed. Following further discussion these items were withdrawn by the petitioners. No action taken.
- 16) Cole Truebenbach requested permission, as per site plan submitted, for 1) existing residence to remain 18' from the North property line rather than the required 25', which would be a 7' Building Variance and 2) 16' from the South property line rather than the required 20', which would be a 4' Building Variance, and 3) for back deck to remain 9' from the South property line rather than the required 10', which would be a 1' Building Variance, and 4) for existing shed to remain 2' from the East property line rather than the required 5', which would be a 3' Building Variance, all on Lot 1, Block 1, Golden Acres Second Addition, a.k.a. 1604 Fifth Avenue NE. Cole Truebenbach was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED**.
- 17) GPHC, LLC. requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles on a vacant lot with a sales office to be located on property adjacent immediately to the South, all on Lots 3&4, Block 10, North Aberdeen, a.k.a. 115 Main Street N. Ken Hubbart stated that this item was withdrawn by the petitioner.

- 4) Thomas Wipf requested permission, as per site plan submitted, to permit an existing accessory structure to remain on a property without the required primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Fulker's Homestead Subdivision, in the SE¼ Sect. 17-T123N-R64W, a.k.a. 38390 133rd Street. Thomas Wipf was present to represent the property. Margo Price and Kyle Price were present and spoke in opposition of this request as submitted. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) Owner must rectify violation of zoning ordinance within 2 years of today's date, and 2) Proper permit must be obtained prior to any work on this property. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED .**

City Attorney Ron Wager was present and requested item #6 be un-tabled for further discussion and clarification. Following discussion Winter moved and Grebner seconded to un-table item #6 for discussion purposes. Upon roll call, all members voting aye, the motion carried.

- 6) Arnold Mehlhoff and Verizon Wireless requested permission, as per site plan submitted, to 1) construct a monopole wireless communications tower and facility, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, and 2) to construct a tower that is 105' tall rather than the permitted 45', which would be a 60' Maximum Height Variance, all on Lots 13-16, Block 17, East Park Addition and the West ½ of Vacated Hunt Street Public ROW, a.k.a. 1810 Third Avenue SE. Rick Adams, Agent Verizon Wireless was present to represent this item. Following discussion VanDeRostyne moved and Musel seconded to deny agenda item #1. Upon roll call, all members voting nay, the motion failed. Following further discussion Grebner moved and Winter seconded to approve agenda item #1 with the following stipulations: 1) Property must be platted into one parcel, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, 4) All required inspections must be completed, and 5) Applicant must provide hospitals and airport with notice of plans and forward responses to Planning & Zoning Office prior to permitting. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED .** Following further discussion VanDeRostyne moved and Musel seconded to agenda item #2, all members voting aye, the motion carried. **MAXIMUM HEIGHT VARIANCE APPROVED .**

Winter moved and Grebner seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
September 13, 2018