

BOARD OF ZONING ADJUSTMENT
January 14, 2021

The Board of Zoning Adjustment Meeting was held on Thursday, January 14, 2021 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 VanDeRostyne, Fjeldheim, Babcock, Grebner, and Weigel. Also present were Ken Hubbard, City Planner, and Eric Miller, City Planner.

Grebner moved and Wegiel seconded to approve the Board of Zoning Adjustment minutes of December 10, 2020, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Lynn Cunningham requested permission, as per site plan submitted, to construct a 60'x60' personal storage building as the primary use, which would be an Appeal to the Board of Zoning Adjustment in a (C-2) Highway Commercial Zoning District, all on Lot 2, Wagner Holding's Subdivision of Lot 1, Pheasant Run Second Subdivision, a.k.a. 1702 Eighth Avenue NW. Lynn Cunningham was present to represent the property. Following discussion Weigel moved and Grebner seconded to deny. Upon roll call, VanDeRostyne-aye, Fjeldheim-aye, Babcock-aye, Grebner-nay, Weigel-aye (4-aye, 1-nay), the motion carried. **APPEAL DENIED**.
- 2) Paul Bohling requested permission, as per site plan submitted, to 1) construct a 12'x16' shed 14' from the North property line rather than the required 25', which would be an 11' Building Variance and 2) 1' from the West property line rather than the required 5', which would be a 4' Building Variance, all on Lot 15 & the North 28' of Lot 16, Block 2, First Replat of Mehlhoff's Second Addition to North Plains Addition, a.k.a. 1619 Northview Lane. Paul Bohling was present to represent the property. Following discussion Fjeldheim moved and Grebner seconded to deny item #1. Upon roll call, VanDeRostyne-aye, Fjeldheim-aye, Babcock-nay, Grebner-nay, Weigel-aye (3-aye, 2-nay), the motion failed. Following further discussion Fjeldheim moved and Grebner seconded to approve item #1 16' from the North property line rather than the required 25', which would be a 9' Building Variance 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) Property must be replatted prior to permitting. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED**. Following further discussion Fjeldheim moved and Weigel seconded to deny item #2, all member voting aye, the motion carried. **BUILDING VARIANCE DENIED**.
- 3) Clyde Eisenbeisz requested permission, as per site plan submitted, to provide 4 off-street parking stalls rather than the required 5, which would be a One Parking Stall Variance, all on Lot 6, Block 15, Sullivan & Easton's Addition to Aberdeen, a.k.a. 801 First Street N. City staff represented this item due to COVID-19 pandemic. Following discussion Grebner moved and VanDeRostyne seconded to approve with the stipulation that failure to provide 4 stalls will require that units be eliminated in this apartment to

meet the off-street parking requirement. Upon roll call, all members voting aye, the motion carried. **PARKING STALL VARIANCE APPROVED** .

- 4) Ron Erdmann and Chad Delzer requested permission, as per site plan submitted, to permit the open storage of campers, trailers and automobiles, which would be a Special Exception in the (I-2) Unrestricted Industrial and (C3/R4) Central Business/Special Density Residential Zoning Districts, all on Lots 1-3 & 5-6, Block 59 Second Addition to Aberdeen, Lot 1, McFarland-Zumbaum Addition and the Vacated Alley R.O.W. Between Said Lots, a.k.a. 302 & 320 Fourth Street S. and 416 Fourth Avenue SW. Melanie Bobby was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) No rental storage may occur in required parking stalls for the permitted repair service, 2) Property must be replatted into one parcel and rezoned to (I-2) Unrestricted Industrial District to eliminate split-zoning, with application submitted by January 22, 2021 and plat submitted by February 19, 2021, 3) Property must remain fenced in, 4) No open storage within 35' corner visibility triangles at intersections or 15' triangles at intersections of approaches and public right-of-ways, 5) This Special Exception is for Chad Delzer only as long as he is owner/operator of proposed use, 6) The sign or signs installed without permits must be permitted by January 22, 2021 and moved if they do not comply with sign ordinance, 7) All campers, trailers, and automobiles openly stored must be currently licensed and operable, 8) The property itself must be maintained, such as tall weed growth and sidewalk (public) snow will not be allowed, 9) The accumulation of scrap material, garbage, building material waste, and other discard will not be allowed, and 10) All stored items must be done so, in a neat and orderly fashion. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 5) SW Investments, LLC and Aaron Winterberg requested permission, as per site plan submitted, to permit the operation of an industrial hemp testing facility, which would be an Appeal to the Board of Zoning Adjustment in a (C3/R4) Central Business/Special Density Residential Zoning District, all on The South 44' of Lots 15-19 & the West 25' of the South 56' of Lot 14, Block 30, Second Addition, a.k.a. 523 Main Street S. Aaron Winterberg, Melanie Bobby, Heather Caton, Dr. Barry Winkler were present to represent the property. Following discussion Fjeldheim moved and VanDeRostyne seconded to deny. Upon roll call, VanDeRostyne-aye, Fjeldheim-aye, Babcock-aye, Grebner-nay, Weigel-aye (4-aye,1-nay), the motion carried. **APPEAL DENIED** .
- 6) Chris Larson requested permission, as per site plan submitted, to 1) construct an accessory structure that is not aesthetically similar to the primary or existing accessory structures on the lot, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit an accessory structure with 12'5" sidewalls rather than the permitted 10', which would be a Special Exception in a (R-1) Low Density Residential Zoning District, all on Lot 1, The Boulevards Subdivision, a.k.a. 2405 Pheasant Run Boulevard. Attorney Rod Tobin and John Kokales of Quest Construction were present to represent the property. Following discussion Grebner moved and Weigel seconded to deny item #1, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Fjeldheim seconded to approve item #1 with the following stipulations: 1) Accessory structure must be sided with split faced rock and dryvit to match house, 2) Accessory structure roof must be shingled to match house, and 3) Revised plans submitted must be submitted to City Planning/Zoning/Building Inspection

office. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED**. Following further discussion Grebner moved and VanDeRostyne seconded to approve item #2 with the stipulation that sidewall height may not exceed 12'5" if roof pitch is altered. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED**.

- 7) Jillian Madsen 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 a (R-2) Medium Density Residential Zoning District, all on Lot 6, Block 8, Meadows on Dakota Fifth Subdivision, a.k.a. 1001 Thirtieth Avenue NE. City staff represented this item due to COVID-19 pandemic. Following discussion Weigel moved and Grebner 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 July 1, 2021, 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**.

Weigel moved and Grebner seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
January 14, 2021