

BOARD OF ZONING ADJUSTMENT
March 11, 2021

The Board of Zoning Adjustment Meeting was held on Thursday, March 11, 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 Weigel, Fjeldheim, Babcock, Grebner, and Schumacher. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, Eric Miller, City Planner, and Paula Nelson, Board of Zoning Adjustment Secretary.

Grebner moved and Weigel seconded to approve the Board of Zoning Adjustment minutes of February 11, 2021, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Barbara Tarbox requested permission, as per site plan submitted, for 1) existing residence to remain 2' from the South property line rather than the required 5', which would be a 3' Building Variance and 2) 14' from the North property line rather than the required 15', which would be a 1' Building Variance and 3) 21' from the East property line rather than the required 25', which would be a 4' Building Variance, in order to 4) construct a wheelchair ramp 1' from the East property line rather than the required 15', which would be a 14' Building Variance, all on The North 42' of Lot 1, Block 6, Simmon's First Addition, a.k.a. 1302 First Street S. City staff represented this item due to COVID-19 pandemic. Following discussion Schumacher moved and Fjeldheim seconded to approve items #1 - #3, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following further discussion Grebner moved and Schumacher seconded to approve item #4 with the following stipulations: 1) All required inspections must be completed, 2) Property lines must be located to verify setbacks at time of inspection, and 3) Ramp shall be removed when no longer necessary for access. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 2) Bruce Zeller and Overpass Storage requested permission, as per site plan submitted, to 1) construct a mini-storage facility, which would be an Appeal to the Board of Zoning Adjustment in an (I-2) Unrestricted Industrial Zoning District, and 2) to construct four mini-storage buildings 50' in width rather than the permitted 30', which would be four 20' Maximum Width Variances and 3) one building that is 60' in width rather than the permitted 30', which would be a 30' Maximum Width Variance and 4) one building that is 90' wide rather than the permitted 30', which would be a 60' Maximum Width Variance and 5) one building that is 180' long rather than the permitted 120', which would be a 60' Maximum Length Variance and 6) one building that is 170' long rather than the permitted 120', which would be a 50' Maximum Length Variance and 7) one building that is 220' long rather than the permitted 120', which would be a 100' Maximum Length Variance and 8) one building that is 150' long rather than the permitted 120', which would be a 30' Maximum Length Variance, all on Lots 1-12, Block 52, Bennett & Thomas Addition and Vacated Street, a.k.a. 101 Third Street N. This item was withdrawn by petitioners. No action taken.
- 3) Travis Heuer and Dale Bain requested permission, as per site plan submitted, to permit the open storage of construction related vehicles and equipment and personal vehicles, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Lot 1, DSG Subdivision, a.k.a. 22 Kline Street N. Travis Heuer was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve with

the following stipulations: 1) Open storage shall be limited to only vehicles and machinery for the Panitorium and Travis Heuer Construction only. Any other items should be removed from the property or properly stored indoors or within an opaque fence, 2) Property must be maintained in a neat and orderly manner at all times, 3) No parking/storage within any required visibility triangles, 4) All vehicles must be licensed and operable per state law definition, 5) No open storage of parts, materials, debris, etc. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 4) Allen Auske requested permission, as per site plan submitted, to 1) plat a lot in an (R-2) Medium Density Residential Zoning District that is 55' wide rather than the permitted 60', which would be a 5' Minimum Lot Width Variance and 2) for existing residence to remain 4.2' from the South property line rather than the permitted 5', which would be a .8' Building Variance and 3) for existing shed to remain 3.2' from the North property line rather than the required 5', which would be a 1.8' Building Variance and 4) existing unattached garage to remain 2' from the North property line rather than the required 5', which would be a 3' Building Variance, in order to 5) construct a 22'x20' covered porch addition on detached garage for a total of 888sf of accessory structures rather than the permitted 808sf, which would be a 80sf Maximum Accessory Structure Lot Coverage Variance, all on The South 20' of Lot 12 and the North 35' of Lot 13, Block 8, Gorder's Third Addition except the West 20' to alley, a.k.a. 1744 Fourth Street S. Todd Voeller of Midwest Builders was present to represent the property. Following discussion Grebner moved and Weigel seconded to approve items #1 - #4, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE AND BUILDING VARIANCES APPROVED** . Following further discussion Grebner moved and Schumacher seconded to deny item #5, all members voting aye, the motion carried. **MAXIMUM ACCESSORY STRUCTURE VARIANCE DENIED** .
- 5) Kent Properties, LLP requested permission, as per site plan submitted, to construct an accessory structure with 15' tall sidewalls rather than the permitted 10, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 1, S&J Lust Addition, Except Highway, a.k.a. 1430 Sixth Avenue SW. Chad Huff of Huff Construction was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) Plans must be approved and a permit must be obtained prior to construction, 2) All required inspections must be completed, and 3) Property lines must be located to verify setbacks at time of inspection. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 6) Joshua Larson and John Schwan requested permission, as per site plan submitted, to Plat a lot with an accessory structure without the required primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Proposed Lot 2, Twentieth Addition of Highland North Addition to Aberdeen in the NE¼ Sect. 12-T123N-R64W of the 5th PM, a.k.a. 609 Fifteenth Avenue NE. Attorney Rod Tobin was present to represent the property. Following discussion Schumacher moved and Grebner seconded to deny, all members voting nay, the motion failed. Following further discussion Grebner moved and Weigel seconded to approve with the following stipulations: 1) Owner must submit plans and obtain a permit to construct a residence within one year and complete construction within the life of the permit, 2) Plat of the property must be approved and filed with Register of Deeds office prior to permitting, 3) Property lines must be located to verify setbacks, 4) All required inspections must be completed, and 5) The residence must be the primary use of this property when completed, occupied by the owner or a tenant if garage is to be utilized. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .

- 7) Zachary Osborn requested permission, as per site plan submitted, for 1) existing residence to remain 15' from the East property line rather than the permitted 25', which would be a 10' Building Variance in order to 2) construct a deck 6' from the East property line rather than the required 15', which would be a 9' Building Variance, all on Lots 3-5, Block 10, Hagerty & Lloyd Addition, a.k.a. 619 Arch Street N. City staff represented this item due to COVID-19 pandemic. Following discussion Grebner moved and Schumacher seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .
- 8) Kiropa Properties, LLC requested permission, as per site plan submitted, to 1) permit the installation of 830sf of wall signs rather than the permitted 416sf, which would be a 414sf Sign Variance and 2) to permit five projecting wall signs rather than the permitted 1, which would be a 4 Sign Variance and 3) to permit five 70sf projecting wall signs rather than the permitted 40sf, which would be five 30sf Maximum Sign Size Variances and 4) to permit five projecting wall signs to extend above the roofline of the building, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Lamont Second Addition, a.k.a. 3502 Seventh Avenue SE. Mark Malchow, Darren Dell of Huff Construction, and Cory Weisenburger of Service Signs were present to represent the property. Following discussion Grebner moved and Schumacher seconded to deny item #1. Upon roll call, Weigel-aye, Fjeldheim-aye, Babcock-aye, Grebner-nay, Schumacher-aye (4-aye, 1-nay), the motion carried. **SIGN VARIANCE DENIED** . Following further discussion items 2-4 were withdrawn by the petitioner. No further action taken.
- 9) CPD Enterprises and Montgomery's Furniture requested permission, as per site plan submitted to 1) install an off-premise sign as an accessory land use, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit an off-premise sign that is 510sf in size rather than the permitted 275sf, which would be a 235sf Maximum Sign Size Variance, 3) 10' from the North property line rather than the required 20', which would be a 10' Sign Setback Variance and 4) 10' from the West property line rather than the required 20', which would be a 10' Sign Setback Variance and 5) 8.33' above grade rather than the minimum 12', which would be a 3.66' Minimum Sign Height Variance, all on Lot 1, Lamont Third Addition, a.k.a. 615 Centennial Street S. Mark Malchow, Darren Dell of Huff Construction, and Cory Weisenburger of Service Signs were present to represent the property. Following discussion this item was withdrawn by the petitioner(s). No action taken.

Chairman Babcock continued with other business as follows:

- 1) Brett Bill announced that this is Paula Nelson's last meeting as Board of Zoning Adjustment Secretary. She was promoted to City of Aberdeen Code Enforcement Officer and will begin those duties on Monday March 15th.

Grebner moved and Schumacher seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
March 11, 2021