

**BOARD OF ZONING ADJUSTMENT**  
**May 13, 2021**

The Board of Zoning Adjustment Meeting was held on Thursday, May 13, 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 Winter. Also present were Ken Hubbart, City Planner, Eric Miller, City Planner, Jeremiah Maxfield, Planning Technician and Amanda Kamphuis, Board of Zoning Adjustment Secretary.

Grebner moved and VanDeRostyne seconded to approve the Board of Zoning Adjustment Minutes of April 8, 2021, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Sadie Rogers 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-3) High Density Residential Zoning District, all on Lot 1, Block 3, Addison's Addition, a.k.a. 624 Eleventh Avenue SE. Sadie Rogers was present to represent the property. Following discussion, Grebner moved and Fjeldheim 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 children; 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 the operator; 7) The operator must schedule a home inspection with the Building Inspection Department and the Fire Marshal in order to verify that Building and Fire Code requirements are met, and any recommended or required changes or modifications must be made; and 8) The 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) Sarah Lout requested permission, as per site plan submitted, to permit the operation of a daycare as a home operation, which would be a Special Exception in a (R-2) Medium Density Residential District, all on Lot 10, Block 2, HAPI Sixth Subdivision, a.k.a. 1001 Fifteenth Avenue SW. City staff represented this item due to COVID-19 pandemic. Following discussion, Grebner moved and VanDeRostyne 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 children; 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 the operator; 7) The operator must schedule a home inspection with the Building Inspection Department and the Fire Marshal in order to verify that Building and Fire Code requirements are met, and any recommended or required changes or modifications must be made; and 8) The 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.**
- 3) Diane Clausen requested permission, as per site plan submitted, for 1) existing unattached garage to remain 4' from the North property line rather than the required 5', which would be a 1' Building Variance and 2) 2' from the East property line rather than the required 5', which would be a 3' Building Variance and 3) to replace a 4'x12' deck 3' from the South property line rather than the permitted 5', which would be a 2' Building Variance, all on Lot 20, Block 21, Simmon's First Addition, a.k.a. 1609 Second Street S. City staff represented this item due to COVID-19 pandemic. Following discussion, Grebner moved and VanDeRostyne seconded to approve

items #1, #2 and #3 with the following stipulations: 1) All required inspections must be completed; and 2) Property lines must be located to verify setbacks at the time of inspection. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

- 4) Mack, Bledsoe & Ivey Enterprises requested permission, as per site plan submitted, to install a 35"x75" full color electronic message center panel on an existing freestanding sign structure, which would be a Special Exception in a (C3/R4) Central Business/Special Density Residential Zoning District, all on Lots 2-7 & the South 100' of Lot 15, Washburn's Replat of Block 106, Hagerty & Lloyd Addition, except H-1, a.k.a. 221 Sixth Avenue SE. Cory Weisenburger of Service Signs was present to represent the property. Following discussion, Grebner moved and Winter seconded to approve with the following stipulations: 1) Permit must be obtained prior to installation; 2) Sign must be operated in accordance with city ordinance at all times; and 3) No off-premise advertising permitted on EMC panel. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 5) LL Investments, LLC requested permission, as per site plan submitted, to 1) permit the construction of mini-storage units, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and 2) to construct one mini-storage building that is 60' wide rather than the permitted 30', which would be a 30' Maximum Width Variance and 3) to construct a mini-storage building with 18' tall sidewalls rather than the permitted 16', which would be a 2' Building Variance, and 4) to construct a second mini-storage building that is 60' in width rather than the permitted 30', which would be a 30' Maximum Width Variance and 5) to construct a mini-storage building with 17' tall sidewalls rather than the permitted 16', which would be a 1' Building Variance, and 6) 177' long rather than the permitted 120', which would be a 57' Maximum Length Variance, all on Lot 2, Wagner Holdings Subdivision, a.k.a. 1702 Eighth Avenue NW. Lynn Cunningham was present to represent the property. Following discussion, Grebner moved and Fjeldheim seconded to approve item #1. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion, Grebner moved and Winter seconded to approve items #2 thru #6 with the following stipulations: 1) Plans must be submitted and permit obtained prior to construction; 2) All required inspections must be completed; 3) Property lines must be located to verify setbacks at time of inspection; 4) Sidewalk must be installed adjacent to Eighth Avenue; and 5) All landscape requirements must be adhered to. Upon roll call, all members voting aye, the motion carried. **MAXIMUM WIDTH VARIANCES APPROVED. BUILDING VARIANCES APPROVED. MAXIMUM LENGTH VARIANCE APPROVED.**
- 6) Brian Shishnia requested permission, as per site plan submitted, for 1) existing residence to remain 3' from the South property line rather than the required 5', which would be a 2' Building Variance and 2) 4' from the North property line rather than the required 15', which would be an 11' Building Variance, and 3) 12' from the West property line rather than the required 25', which would be a 13' Building Variance in order to 4) construct a 3'x4' landing and stairs 7' from the West property line rather than the required 15', which would be an 8' Building Variance and 5) for existing unattached garage to remain 3' from the South property line rather than the required 5', which would be a 2' Building Variance and 6) 4' from the North property line rather than the required 25', which would be a 21' Building Variance and 7) 4' from the East property line rather than the required 5', which would be a 4' Building Variance, all on Lot 24, Block 13, Hagerty & Lloyd Addition, a.k.a. 624 Lloyd Street N. Brian Shishnia was present to represent the property. Following discussion, Grebner moved and Fjeldheim seconded to approve items #1 thru #7 with the following stipulations: 1) All required inspections must be completed; and 2) Property lines must be located to verify setbacks at time of inspection. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 7) Jeremiah Holman requested permission, as per site plan submitted, for 1) existing residence to remain 1' from East property line rather than the permitted 25', which would be a 24' Building Variance and 2) to construct an attached garage addition 3' from the East property line rather

than the required 25', which would be a 22' Building Variance, all on Lots 4-5, Block 19, Howard & Hedger Replat of Northwest Addition, a.k.a. 505 Harrison Street N. Joel Bierne was present to represent the property. After discussion and corrected information from the owner, item #1 was withdrawn. Following discussion, VanDeRostyne moved and Grebner seconded to approve item #2. Upon roll call, VanDeRostyne aye, Fjeldheim nay, Babcock nay, Grebner aye, Winter nay (2 aye, 3 nay) the motion failed. **BUILDING VARIANCE DENIED** .

- 8) CPD Enterprises and Montgomery's Furniture requested permission, as per site plan submitted to replace a previously approved 150sf off-premise sign 1) 16.75' from the North property line rather than the required 75', which would be a 58.25' Sign Setback Variance and 2) 20.5' from the West property line rather than the required 75', which would be a 54.5' Sign Setback Variance and 3) 190' from an existing off-premise sign rather than the permitted 600', which would be a 410' Sign Separation Variance, all on Lot 1, Lamont Third Addition, a.k.a. 615 Centennial Street S. Cory Weisenburger of Service Signs was present to represent the property. Following discussion, Grebner moved and VanDeRostyne seconded to approve items #1, #2 and #3 with the following stipulations: 1) A permit must be obtained prior to installation; 2) EMC parcel must be operated in compliance with all sign codes; and 3) No advertising for anything other than Montgomery Furniture. Upon roll call, all members voting aye, the motion carried. **SIGN SETBACK VARIANCE S APPROVED. SIGN SEPARATION VARIANCE APPROVED.**
- 9) The Presentation Sisters requested permission, as per site plan submitted, to 1) grow natural biodiverse prairie grasses and soybeans in excess of the 10" permitted height, which would be an Appeal to the Board of Zoning Adjustment in an (R-1) Low Density Residential Zoning District, and 2) to permit the agricultural use of planting and harvesting soybeans , which would be an Appeal in the R-1 District, all on Block 1, Presentation Heights Addition, a.k.a. 224 Fifteenth Avenue NW. Jared Holm and Sister Janice Klein were present to represent the property. Following discussion, Grebner moved and Fjeldheim seconded to approve items #1 and #2 with the following stipulations: 1) All boulevards/public right-of-way must continue to be maintained as a mowed area, crops and grasslands must remain on private property; 2) Owners will be responsible for maintaining corner visibility areas or other areas of concern for visibility; 3) Owners will be responsible for the control of noxious weeds, rodents, pests, trash accumulation and other potential nuisances; and 4) Vegetation near streets would need to be mowed in the fall so it does not cause snow to drift on to the emergency snow routes. Upon roll call, all members voting aye, the motion carried. **APPEALS APPROVED.**
- 10) Andrew Jones requested permission, as per site plan submitted, for 1) existing residence to remain 7.5' from the North property line rather than the required 25', which would be a 17.5' Building Variance in order to 2) replace front deck 1' from the North property line rather than the required 15', which would be a 14' Building Variance, all on Lot 1, Block 11, Garden Park Addition, a.k.a. 902 Ninth Street S. City staff represented this item due to COVID-19 pandemic. Following discussion, Grebner moved and Fjeldheim seconded to approve items #1 and #2 with the following stipulations: 1) All required inspections must be completed; and 2) Property lines must be located to verify setbacks at time of inspection. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .
- 11) Doug Braa requested permission, as per site plan submitted, to 1) construct a previously approved 50'x192' mini-storage building 5' from the North property line rather than the permitted 25', which would be a 20' Building Variance and 2) 5' from a residential zoning district rather than the permitted 30', which would be a 25' Building Variance, all on Lot 1, Aberdeen Asphalt Addition, a.k.a. 408 Twelfth Avenue SW. Jay Gellhaus was present to represent this property. Following discussion, Grebner moved and Babcock seconded to approve item #1. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** . Following further discussion, Grebner moved and VanDeRostyne seconded to approve item #2 with the following stipulation: 1) To follow the landscaping ordinances and guidance of the

Forestry Department. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 12) Chris Holcher requested permission, as per site plan submitted, to construct a 60'x40' accessory structure with 14' tall sidewalls rather than the permitted 10', which would be a 4' Sidewall Height Variance, all on Lot 8, Block 2, Lakeview First Replat, a.k.a. 2119 Twenty-Fourth Avenue NW. Chris Holcher was present to represent this property. Following discussion, Fjeldheim moved and Grebner seconded to deny this request. Upon roll call, all members voting aye, the motion carried. **SIDEWALL HEIGHT VARIANCE DENIED .**
- 13) Tenth Street Properties, LLC requested permission, as per site plan submitted, to 1) construct a freestanding sign that is 615.873sf in size rather than the permitted 300sf, which would be a 315.873sf Freestanding Sign Size Variance and 2) to permit two freestanding signs rather than the permitted one, which would be a 1 Freestanding Sign Variance, all on Lot 1, Eagle River Addition, a.k.a. 715 Tenth Street N. Toby Doeden and Cory Weisenburger from Service Signs was present to represent this property. Following discussion, Grebner moved to approve, motion died due for lack of a second. Following further discussion, Grebner moved and VanDeRostyne seconded to deny item #1. Upon roll call, VanDeRostyne aye, Fjeldheim aye, Babcock abstain, Grebner nay, Winter aye (3 aye, 1 nay, 1 abstain), the motion failed. **FREESTANDING SIGN SIZE VARIANCE DENIED.** Following further discussion, Grebner moved and Fjeldheim seconded to approve item #2 with the following stipulations: 1) To follow all sign ordinances; and 2) A permit must be obtained prior to installation. Upon roll call, VanDeRostyne aye, Fjeldheim aye, Babcock abstain, Grebner aye, Winter aye (4 aye, 1 abstain), the motion carried. **FREESTANDING SIGN VARIANCE APPROVED .**
- 14) Greg Hanson requested permission, as per site plan submitted, for 1) existing residence to remain 21' from the East property line rather than the required 25', which would be a 4' Building Variance in order to 2) construct a 14'x30' deck 7' from the East property line rather than the required 15', which would be an 8' Building Variance, all on Lot 1, Block 50, Bennett & Thomas Addition, a.k.a. 323 Third Street N. Greg Hanson was present to represent this property. Following discussion, Grebner moved and Winter seconded to approve item #1. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion, Grebner moved and VanDeRostyne seconded to deny item #2. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.** Upon further discussion, VanDeRostyne moved and Grebner seconded to approve item #2 with the modification to a 10'x30' deck 11' from the East property line rather than the required 15', which would be an 4' Building Variance. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 15) Gayland Weisenburger requested permission, as per site plan submitted, for existing residence to remain 16.98' from the West property line rather than the required 25', which would be an 8.02' Setback Variance, all on Lot 10, Block 20, First Addition to Aberdeen, a.k.a. 209 Fourth Street S. City staff represented this item due to COVID-19 pandemic. Following discussion, Grebner moved and VanDeRostyne seconded to approve. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCE APPROVED.**

OTHER BUSINESS:

VanDeRostyne moved and Grebner seconded to adjourn the meeting.

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Amanda Kamphuis  
Board of Zoning Adjustment Secretary  
May 13, 2021