

MINUTES
BOARD OF ZONING ADJUSTMENT
July 14, 2022

The Board of Zoning Adjustment Meeting was held on Thursday, July 14, 2022, 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 Winter. Also present were Ken Hubbart, City Planner, Eric Miller, City Planner, Jeremiah Maxfield, Planning Technician, Stu Nelson, Assistant City Engineer, David Dosch, Code Enforcement Officer, and Amanda Kamphuis, Board of Zoning Adjustment Secretary.

Grebner moved, and Weigel seconded, to approve the Board of Zoning Adjustment Minutes of June 9, 2022, all members voting aye, the motion carried.

OPEN FORUM – No one was present.

- 1) D Drive ABR, LLC requested permission, as per site plan submitted, for 1) existing residence to remain 1'1" from the North property line rather than the required 15', which would be a 13'11" Building Variance, and 2) 6'10" from the East property line rather than the required 25', which would be a 18'2" Building Variance, and 3) for existing garage to remain 20'9" from the North property line rather than the required 25', which would be a 4'3" Building Variance, all on Lots 1&2, Block 45, Hagerty & Lloyd Addition, a.k.a. 123 Lloyd Street N. Joyce Voeller with Midwest Builders, LLC was present to represent the property. Following discussion, Grebner moved, and Fjeldheim seconded, to approve this request. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 2) B&M Storage, LLC and Rolling Hills Golf Development requested permission, as per site plan submitted, to permit the open storage and parking of vehicles, machinery, trailers, recreational vehicles, materials and supplies, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 28, Rolling Hills Village Tenth Addition, Except H1, a.k.a. 703 Palmer Circle W. Jay Gellhaus and Paul Vikander were present to represent the property, and neighbor, Kyle Zimmer, spoke in favor of the request. Following discussion, Grebner moved, and Babcock seconded, to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times, 2) All code violations must be corrected, 3) No unlicensed, inoperable, or junk vehicles, machinery etc., 4) All previously applied stipulations shall be adhered to, and 5) No open storage of parts, junk, debris, etc. indicated in Code Enforcement photos. Upon further discussion, Weigel moved, and Grebner seconded, to amend the first motion to add the following stipulations: 1) All weeds in the area are to be cut down within 48 hours of today's meeting and sprayed going forward, and 2) A maximum of 5 trailers and 2 campers can be on the property at any time. Upon roll call on the amended motion, Weigel aye, Fjeldheim aye, Babcock aye, Grebner aye, Winter abstain (4 aye, 1 abstain), the amended motion carried. Upon roll call on the original motion, Weigel aye, Fjeldheim aye, Babcock aye, Grebner aye, Winter abstain (4 aye, 1 abstain), the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 3) Dutenhoffer Construction, LLC requested permission, as per site plan submitted, to construct a twin home 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 3, Block 1, Willowood Fifth Addition, a.k.a. 2715 Airline Avenue SE. Mike

Dutenhoffer was present to represent the property. Following discussion, Fjeldheim moved, and Weigel seconded, to approve this request. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 4) Dutenhoffer Construction, LLC requested permission, as per site plan submitted, to construct a twin home 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 4, Block 1, Willowood Fifth Addition, a.k.a. 2723 Airline Avenue SE. Mike Dutenhoffer was present to represent the property. Following discussion, Fjeldheim moved, and Weigel seconded, to approve this request. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 5) Kenneth Erdmann requested permission, as per site plan submitted, to construct a twin home 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 1, Block 1, Willowood Fifth Addition, a.k.a. 2703 Airline Avenue SE. Mike Dutenhoffer was present to represent the property. Following discussion, Weigel moved, and Fjeldheim seconded, to approve this request. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 6) Kenneth Erdmann requested permission, as per site plan submitted, to construct a twin home 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 2, Block 1, Willowood Fifth Addition, a.k.a. 2709 Airline Avenue SE. Mike Dutenhoffer was present to represent the property. Following discussion, Weigel moved, and Fjeldheim seconded, to approve this request. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 7) Roman Catholic Church requested permission, as per site plan submitted, to construct a 10' octagonal gazebo in the front setback of the property, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Sacred Heart First Subdivision, a.k.a. 409 Third Avenue SE. Jeff Swank was present to represent the property. Following discussion, Grebner moved, and Weigel seconded, to approve with the stipulation that a permit must be obtained prior to installation. Upon roll call, Weigel aye, Fjeldheim abstain, Babcock aye, Grebner aye, Winter aye (4 aye, 1 abstain), the motion carried. **APPEAL APPROVED.**
- 8) Drew Prentice requested permission, as per site plan submitted, to construct a 3'x10' landing and stairs 3.5' from the South property line rather than the required 5', which would be a 1.5' Building Variance, all on Lots 6&7, Block 1, Garden Park Addition to the City of Aberdeen, a.k.a. 613 Ninth Street S. Drew Prentice was present to represent the property. Following discussion, Grebner moved, and Fjeldheim seconded, to approve with the following stipulations: 1) A permit must be obtained prior to installation, 2) Property lines must be located to verify setbacks at time of inspection, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 9) Wolfson Apartments requested permission, as per site plan submitted, to 1) permit three primary structures on one property rather than the permitted one, which would be an Appeal to the Board of Zoning Adjustment, and 2) for existing residence to remain 11" from the South property line rather than the permitted 5', which would be a 4'1" Building Variance and 3) 15'9" from the West property line rather than the required 25', which would be a 9'3" Building Variance and 4) for

existing second residence to remain 15'9" from the West property line rather than the required 25', which would be a 9'3" Building Variance, and 5) 3'5" from the North property line rather than the required 5', which would be a 1'7" Building Variance and 6) third residence to remain 1' from the North property line rather than the required 5', which would be a 4' Building Variance and 7) 4" from the East property line rather than the required 20', which would be a 19'8" Building Variance, all on Lot 15, Block 30, Bennett & Thomas Addition, a.k.a. 610 First Street N. Grant Manhart was present to represent the property. Following discussion, Grebner moved, and Winter seconded, to approve item #1 with the stipulation that repairs are permitted and completed as soon as possible. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion, Grebner moved, and Babcock seconded, to approve items #2-#7. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

- 10) The Refuge Retreats, LLC requested permission, as per site plan submitted, to 1) construct a four unit residence 18'4" from the North property line rather than the required 30', which would be a 11'8" Building Variance, and 2) 25' from the South property line rather than the required 35', which would be a 10' Building Variance, and 3) to construct an accessory structure 25' from the South property line rather than the required 35', which would be a 10' Building Variance and 4) to construct an accessory structure in the side yard, rather than the required rear yard of the property, which would be an Appeal to the Board of Zoning Adjustment, and 5) to permit a mini-storage building in a (R2/R4) Medium Density/Special Density Residential Zoning District, and 6) to construct a mini-storage building that is 35' in width rather than the required 30', which would be a 5' Building Variance, all on Lots 1-6, Block 1, Refuge Retreats Addition, a.k.a. 1717, 1719, 1721, 1723, 1725, 1727 Arthurs Court. Cory Huff, Chad Huff, and Greg Zens were present to represent the property. Mike Buechler of 1702 Eighth Ave NE was also present. Following discussion, Weigel moved, Winter seconded, to approve items #1-#2 with the stipulation that they must obtain a stamped plan by an engineer to address the drainage issues. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion, Fjeldheim moved, and Grebner seconded, to approve items #3-#6 with the following stipulations: 1) Storage units are to only be used by residents of Refuge Retreats, 2) Structure must be aesthetically similar to primary structure, with internal entry units as proposed, and 3) No open storage of any kind allowed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED. APPEAL APPROVED.**
- 11) The Refuge Retreats, LLC requested permission, as per site plan submitted, to 1) construct twin homes 17.5' from the North property line rather than the permitted 20', which would be a 2.5' Building Variance and 2) 19.25' from the North property line rather than the required 20', which would be a .75' Building Variance, and 3) to construct an accessory structure in the side yard, rather than the permitted rear yard of the property, which would be an Appeal to the Board of Zoning Adjustment, and 4) to permit a mini-storage building in a (R2/R4) Medium Density/Special Density Residential Zoning District, and 5) to construct a mini-storage building that is 35' in width rather than the required 30', which would be a 5' Building Variance, all on Lots 1-7, Block 1, Refuge Retreats Addition, a.k.a. 1717, 1719, 1721, 1723, 1725, 1727 Arthurs Court and 711 Lancelot Drive N. Cory Huff, Chad Huff, and Greg Zens were present to represent the property. Mike Buechler of 1702 Eighth Ave NE was also present. Following discussion, Grebner moved, and Weigel seconded, to approve items #1-#5 with the following stipulations: 1) Must obtain a stamped plan by an engineer to address the drainage issues, 2) Storage units are only to be used by

residents of Refuge Retreats, 3) Structure must be aesthetically similar to primary structure, with internal entry units as proposed, and 4) No open storage of any kind allowed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED. APPEAL APPROVED.**

OTHER BUSINESS:

There being no further business before the Board, Grebner moved, and Weigel seconded, to adjourn the meeting, all members voting aye, the motion carried.

Amanda Kamphuis
Board of Zoning Adjustment Secretary
July 14, 2022